FOURTH

ANNUAL REPORT

OF THE OFFICE OF THE

PUBLIC COMPLAINTS COMMISSIONER

December 21, 1984, to December 20, 1985

OFFICE OF THE PUBLIC
COMPLAINTS COMMISSIONER

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June, 1986.

The Honourable Ian Scott,
Attorney General, and the
Honourable Ken Keyes,
Solicitor General,
Legislative Building,
Queen's Park,
TORONTO, Ontario.

Gentlemen:

Pursuant to Section 3(7) of the Metropolitan Toronto Police Force Complaints Act, 1984, I am pleased to enclose herein the Fourth Annual Report of the Office of the Public Complaints Commissioner.

Yours very truly,

CLARE E. LEWIS,
Public Complaints Commissioner.

CEL/pb

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Commissioner's Preface

This Annual Report is my first as Public Complaints Commissioner. I took office in mid-October, 1985, and, therefore, the initiatives and achievements noted in this Report are largely those of my predecessor, Mr. Sidney Linden. For that reason I propose to restrict myself to preliminary thoughts and first impressions of a new Commissioner.

During the genesis of the first complaints legislation for the Metropolitan Toronto Police Force I was serving as a Judge of the Provincial Court (Criminal Division) in Toronto. I shared the interest of most citizens in the early development of the legislation which I now administer, and of the agency which I now direct. It was apparent to me at that time that a consensus had been achieved on a matter of considerable significance to the administration of justice in this community. The legislation and the agency created by it are of sufficient importance to me to have warranted my resignation from the Bench to accept the responsibilities of appointment as the second Public Complaints Commissioner.

The Metropolitan Toronto Police Force performs a vital public service. The degree of respect accorded the force by most citizens is a testament to the importance of its function and the quality of service of its individual officers. However, as our democratic institutions have matured it has become increasingly apparent that no individual or organization performing important public services can maintain widespread respect and support without public accountability. The more significant and public the function, the more insistent is community need and demand for accountability to balance responsibility and trust.

The Office of the Public Complaints Commissioner and the current legislation governing public complaints regarding police

conduct evolved from that demand. In enacting the legislation the Ontario government responded to community awareness of the difficulty faced by police management in satisfying that public need to be assured of an independent assessment, investigation, and resolution of citizens' complaints about alleged police misconduct. The public complaint mechanism in place prior to 1981, being an internal police system, could not provide the window essential for a public viewing of the process and an objective assessment of the fairness of it. That earlier complaint procedure was seen as inherently liable to allegations of conflict of interest. Four important publicly commissioned studies of the Metropolitan Toronto Police were held during the 1970's. The final reports of each of the Maloney, Morand, Pitman and Carter inquiries recommended a civilian review agency, independent of the police, as a means of making the police truly answerable to the public which they serve.

The governments of Ontario and Metropolitan Toronto accepted these conclusions and established a system which preserves the involvement of the Metropolitan Toronto Police in the investigation and decision-making process, while providing for a monitoring and reviewing of police investigations and decisions by an independent civilian agency. The Public Complaints Commissioner is given the power to send cases to Boards of Inquiry when a hearing is required in the public interest. These Boards of Inquiry, which are drawn from a panel of citizens, are independent of the police and of the Office of the Public Complaints Commissioner. They can dismiss complaints or discipline officers. The Public Complaints Commissioner also has the right to make recommendations as to changes in police practices and procedures if such recommendations might help to avoid complaints in the future. The object of this system is to maintain public confidence in the police force and thereby enhance the reputation of that force.

I have now been in office for some eight months and have had an opportunity to grasp the complexities of the legislation and its administration, and to become aware of the issues which need continuing attention and development. From December, 1981, to October, 1985, Mr. Linden, as Commissioner, worked to create a strong framework for the implementation of the Act by maintaining on-going consultation with both police and the public. That initiative continues. There is a delicate balance to be maintained between the police and the community in the achievement of a successful public complaints system. It is my responsibility to nurture that balance and meet new challenges with an awareness of the needs and expectations of those affected by this legislation. I am grateful to Mr. Linden for his careful choice of staff and his thoughtful and creative development of systems. That staff and those systems are serving the community well.

I believe that the Metropolitan Toronto Police Force Complaints Act, 1984, and the Office of the Public Complaints Commissioner provide the opportunity for excellent police-community relations. This legislative scheme gives police management important information about existing problems and an early chance to take remedial action to avoid future difficulty. The Office provides individuals and groups in the community with an effective method of voicing concerns about isolated or general police conduct which might need improvement. The Office provides a forum for the consideration and resolution of contentious matters between the police and the community. While the legislation provides a means whereby individual officers may be disciplined for specific instances of misconduct, this Office acts by its existence and its programs as a means of deterrence of inappropriate police conduct. It has the capacity to familiarize both the police and the community with the expectations each may reasonably have of the other.

As Commissioner, I have been pleased to consult with members of the Royal Canadian Mounted Police and of the Department of the

Solicitor General of Canada regarding the implementaiton of the new civilian complaints legislation of the R.C.M. Police. I have also had the opportunity to discuss the Toronto experience with interested parties involved in municipal policing in other jurisdictions in Canada.

This Report describes the first annual conference of the International Association for Civilian Oversight of Law Enforcement. In October of 1985, I was privileged to be elected as a director of IACOLE, and have since become its Vice-Chairperson. That Association provides an excellent opportunity for a broad sharing of information. Its wide international representation is clear evidence of the growing significance of civilian review of police conduct in democratic societies.

Throughout my tenure as Public Complaints Commissioner, I hope, within the scope of my mandate, to continue to assist police management, police officers, the Attorney General and the Solicitor General, and the community in addressing the many and complicated problems attendant upon maintaining a police force of which the community can be proud.

Clare E. Lewis,
Public Complaints Commissioner.

PART I

How the Complaint System Works

PART I - HOW THE COMPLAINT SYSTEM WORKS

A. AN OVERVIEW

The Second Annual Report of the Office of the Public Complaints Commissioner, which covered the 1983 year, included a discussion of how the complaint process functions. The Third Annual Report explained the changes implemented by the new legislation, the Metropolitan Toronto Police Force Complaints Act, 1984, which became law on December 21, 1984.

The Office of the Public Complaints Commissioner has maintained a considerable community information programme, and it appears that more people are now aware of the existence of the legislation. However, it has become apparent that the public is not clearly aware of the Commissioner's role in the complaint system. Police officers generally have a better understanding of the Commissioner's role, but even police officers sometimes express misunderstanding about the decision-making power of the Commissioner as opposed to that of Boards of Inquiry.

A basic premise of the system is that the police force has the responsibility of performing initial investigation into complaints by members of the public. The vast majority of complaints are investigated initially by the police. However, the Commissioner may undertake investigation, using his own civilian investigators. Section 18 of the Act states that the Commissioner can take over investigation on request of the Chief of Police, or when the Commissioner has reasonable grounds to believe that there has been undue delay or other exceptional circumstances in the conduct of the investigation, or at any time 30 days or more after the complaint has been filed. The major part of the Commissioner's function, therefore, is not initial investigation but

rather the monitoring of the police investigation into the complaint, and the undertaking of review and reinvestigation on the request of the complainant, after the Chief of Police has reached a decision on the complaint.

The monitoring function is possible because the Commissioner gets a copy of all complaints as soon as they are filed, as well as a copy of all monthly investigative reports as they are completed. The Commissioner maintains on-going communication with the Public Complaints Investigation Bureau in regard to general issues pertaining to investigation, as well as with reference to particular files.

If the complainant requests a review, the Public Complaints Commissioner can reinvestigate the matter, and must make a decision about the complaint on the basis of the available evidence. If the Commissioner agrees with the decision of the Chief of Police, a review report is written and sent to the complainant, the subject officer, and the Chief of Police. Whether the Commissioner agrees or disagrees with the Chief of Police, he may make recommendations aimed at preventing the problem encountered by the complainant from recurring. Finally, the Commissioner may send the case to a Board of Inquiry. The Commissioner has no further decision-making power in the case.

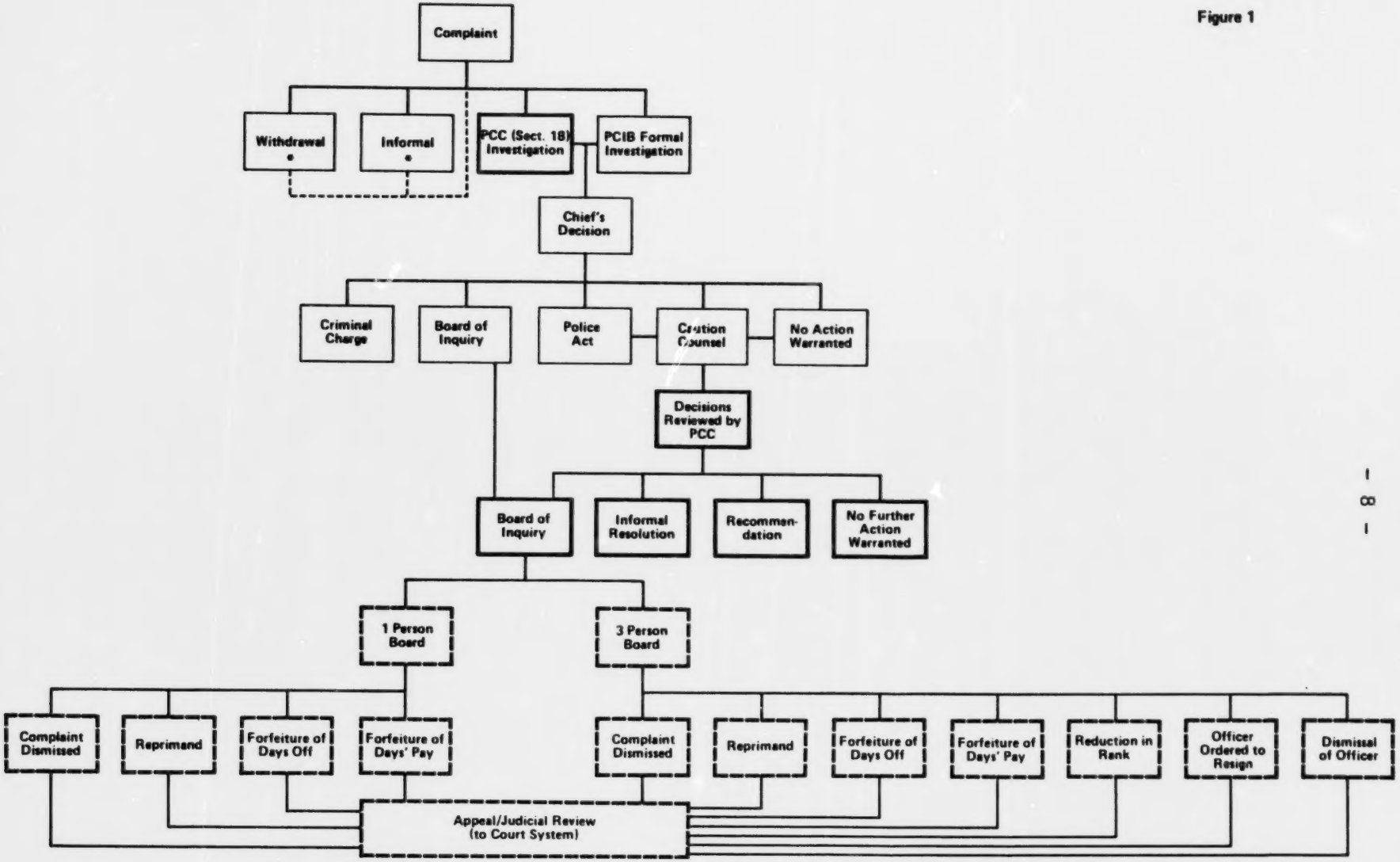
A Board of Inquiry is a panel of either one or three civilians (the number depends on whether the complaint is minor or serious). The Board has the responsibility of holding a hearing, much like a court hearing, into the complaint. The officer is usually represented by counsel, and the complainant may also be represented. A lawyer representing the Attorney General presents the case, witnesses are called, evidence is presented, and arguments of

law are made. At the end of the hearing, the Board decides whether the officer is guilty of misconduct. If the Board concludes that the officer is guilty of misconduct, it may discipline the officer. Penalties range from a reprimand to dismissal from the police force.

In a chart on the following page, an attempt is made to show the possible stages of a complaint. These stages can be roughly divided into the police investigation and resolution stage, the Public Complaints Commissioner review stage, and the Board of Inquiry stage.

Please note that in the interest of clarity, the chart illustrates only the most commonly-occurring events in the complaint system.

Figure 1



——— Area handled by Police

——— Area handled by Public Complaints Commissioner

– – – Area handled by Board of Inquiry

* When a complaint is withdrawn or informally resolved, the Commissioner reviews the file and, in certain circumstances, has the power to overturn the withdrawal or the informal resolution. In these cases the complaint continues through the system.

PART II

Research and Statistics

PART II - RESEARCH AND STATISTICS

A. INTRODUCTION

The data gathered in 1985 for this report marks the fourth year of operations for the Office of the Public Complaints Commissioner. A total of 749 cases were opened in 1985. The data which are reported here are based on cases which were closed during the year. In 1985, there were 724 cases closed. In previous years, the following number of cases were closed: 1982, 609; 1983, 757; 1984, 643.

For purposes of this report, "closed" refers to the fact that all outstanding issues with respect to the complaint have been resolved. Depending on the circumstances, cases will vary in the length of time they take to be closed. For example, a case may be closed by withdrawal or by an informal resolution between the complainant and the officer(s) involved, within a few weeks of the complaint being filed. In other cases, however, a final resolution may not be reached for some time. In the extreme case the complaint is investigated by the Public Complaints Investigation Bureau (PCIB) of the police force, resolved formally by the Deputy Chief of Police, reviewed by the PCC, referred to and heard by a board of inquiry and finally appealed to the courts. In such instances, the case may be pending for over a year.

B. THE COMPLAINT INCIDENT

1. Location

The location of the incident is shown in Table 1. The various locations are listed by frequency of occurrence. As in previous years, the most common location of the alleged incident was the street (48.3%), followed by private residences (20.3%).

TABLE 1

LOCATION OF COMPLAINT INCIDENT

	NUMBER	% OF COMPLAINTS
Street	350	48.3
Residence	146	20.3
Public Building	109	15.1
Police Building	85	11.7
Plaza or Mall	16	2.2
School or Park	9	1.2
Police Vehicle	8	1.1
Not Stated	1	0.1
	724	100.0

2. Number and Type of Allegations

Altogether there were 1380 allegations of misconduct made in the 724 complaints. Thus, there was an average of two allegations per complaint.

Detailed information was collected on a maximum of three allegations per complaint. The specific allegations which were made are presented in Table 2. The distribution of these allegations can be examined in two ways. One is with respect to the total number of complaints. The other is relative to the number of complaints in which each allegation is mentioned. These figures are listed in Table 2 and are expressed as percents.

There are 19 categories of allegations listed in Table 2. The most frequent allegation was assault. The next most frequent was incivility or verbal abuse.

The 19 categories of allegations can be reduced to four main categories:

- Physical Assault/Excessive Force	385
- Threat or Verbal Abuse	450
- Failure to act according to police procedure	482
- Other misuse of authority/position as a police officer	63
	1380

In a large urban centre, with citizens of diverse backgrounds, any bias exhibited in the course of a police officer's duty is a matter for concern. The complaints were carefully scanned for allegations of verbal abuse or misuse of authority based on bias against minorities. In

TABLE 2

TYPE OF ALLEGATIONS FILED

ALLEGATION	NUMBER	% OF ALLEGATIONS	% OF COMPLAINTS
Assault/Excessive Use of Force	385	27.9	53.2
Incivility/Verbal Abuse	289	20.9	39.9
Fail to Act According to Police Procedure	251	18.2	34.7
Harrassment/Threat	161	11.7	22.2
Mishandling or Damage to Property	72	5.2	9.9
Neglect of Duty	68	4.9	9.4
Improper Arrest	59	4.3	8.1
Improper Search	26	1.9	3.6
Deceit	17	1.2	2.3
Traffic Irregularity	10	0.7	1.4
Intoxication	9	0.7	1.2
Corruption, Theft, Fraud	8	0.6	1.1
Lying Under Oath	7	0.5	1.0
No Follow-Up	5	0.4	0.7
Sexual Harrassment/ Indecent Assault	5	0.4	0.7
Disclosure of Confidential Information	4	0.3	0.6
Improper Exercise of Discretion: Re Traffic	3	0.2	0.4
Inadequate Police Service	1	0.1	0.1
	1380	100.0	190.5

ten percent of the complaints, there was some allegation of racial or ethnic slurs. In five additional cases, there was some mention of pejorative references to homosexuality.

There were 292 complaints alleging some physical injuries with 65 reporting more than one injury. The details of these injuries are listed in Table 3. Three-quarters of the injuries involved cuts and bruises. On the basis of the descriptions in the allegations, medical reports and photographs, the PCC's researcher made a subjective evaluation of the severity of the injury. Of the 292 complaints which alleged injuries, 140 were classified to be minor, 133 were moderate and 19 were seen as being serious. The criteria used by the researcher to evaluate the injuries were as follows:

MINOR INJURIES are those that require little or no medical attention, such as scratches, headaches, etc.
MODERATE INJURIES are those that have visible or identifiable symptoms such as cuts, bruises, etc.
SERIOUS INJURIES are those such as fractures, teeth injuries, cuts deep enough to require stitches, etc.
In total, 133 of the complainants attended hospital to seek treatment for their injuries.

As with any other complaint, an allegation of assault before a Board of Inquiry must be proved beyond a reasonable doubt. Photographs of any injuries are useful evidence in the resolution of these allegations. Photographs were taken of 163 (55.8%) of the complainants alleging physical injuries. In almost half of these cases (49%), the pictures were taken by the Police Identification Unit in the course of compiling identification documents. The Office of the Public Complaints Commissioner took photos of 44 (27%) complainants. The remaining 26 (16%) were taken by the Public Complaints Investigation Bureau of the police force.

TABLE 3

ALLEGED INJURIES TO COMPLAINANTS

	NUMBER	% OF INJURIES
Cuts, Bruises	267	74.8
Handcuff Injuries	49	13.7
Fractures	19	5.3
Injuries to Genitalia	10	2.8
Internal Injuries	6	1.7
Teeth	6	1.7
	357	100.0

In describing the incidents which led to a complaint being lodged, the actual incident that precipitated the contact between the citizen and the police was noted. The incidents are listed in Table 4. Most of the incidents involved criminal investigation (30.2%), Arrest (29.8%) or a traffic violation (23.5%). Thus, the majority of incidents involved some sort of police intervention into alleged illegal activities. The police laid charges against 245 (33.8%) of the complainants. The details of the charges are presented in Table 5.

An example of an incident as taken from the 1985 files for each precipitating factor is presented below:

Criminal Investigation

> Complainant attended at station regarding his employee who was being investigated about a theft. While at the station, the complainant alleges he was assaulted and the officer swore at him.

Arrest

> Complainant was asleep in a restaurant and awoken by officer and told he was under arrest. Complainant refused to go with officer resulting in a struggle in which the complainant alleges he was assaulted at the scene and at the station.

Traffic Violation

> Complainant was stopped while riding his bicycle & investigated for failing to stop at red light. The complainant asked the officer if he had nothing better to do than give a ticket to a kid on a bicycle. The complaint alleged the officer threatened him and swore at him.

Parking Violation

Complainant's car ran out of gas and he left the vehicle to get gas. When the complainant returned the car had been towed away. Complainant alleged he was not informed why disabled vehicle was removed.

By-law investigation

Police attended complainant's home in answer to a call about a barking dog. Complainant alleged that police banged her door several times and kicked it leaving a scuff mark. The officer allegedly was loud and rude.

Domestic Dispute

Police accompanied the wife of complainant to his home so that she could retrieve her belongings. Complainant alleged that while his wife gathered her possessions police made racist remarks to complainant and his family.

I.D. Request

Complainant was walking outside his home and police stopped and asked for I.D. When complainant questioned why he was stopped the officer allegedly swore at him and threatened arrest.

Other

Police transported a patient to Mental Health Centre. Patient was agitated and uncooperative. Mental health worker brought some juice and as she was bringing it to patient's mouth, officer is alleged to have yanked patient's head back by pulling hair. The officer is further alleged to have pushed patient's head onto mattress and held it for a few seconds.

No Apparent Incident

Complainant and his friend alleged that as they were standing by their car, two officers drove up, slowed down, made a sexual remark and left laughing.

TABLE 4

NATURE OF INCIDENTS WHICH PRECIPITATED CONTACT WITH POLICE

	NUMBER	%
Criminal Investigation	219	30.2
Arrest	216	29.8
Traffic Violation	170	23.5
Parking Violation	17	2.3
Domestic Dispute	16	2.2
By-law Investigation	12	1.7
I.D. Request	6	0.8
Other	10	1.4
No Apparent Incident	58	8.0
	724	100.0

TABLE 5

CHARGES* LAID BY POLICE AGAINST COMPLAINANTS

CHARGE	NUMBER	%
Property Offence	56	22.9
Obstruct or Assault Police	54	22.0
Assault	50	20.4
Driving Violation	39	15.9
Cause a Disturbance	12	4.9
Public Mischief	5	2.0
Other	29	11.8
	245	100.0

* Only most serious charge tabulated

C. CHARACTERISTICS OF COMPLAINANTS

The majority of complainants were male (82.7%), and 125 (17.3%) were female. The age of the complainants was on file in 616 instances. Just over a third (220, 35.8%) of these 616 complainants were 25 years old or under. The majority (322, 52.3%) were between the ages of 26 and 45. The remaining 74 (12%) were over 45 years old. An age by gender breakdown is presented in Table 6.

The overwhelming majority (87%) of the complainants were not allegedly or admittedly drunk or high on drugs. Some (92, 12.7%) were allegedly or admittedly intoxicated at the time of the incident. Thus, intoxication should not necessarily be considered to be a major factor in precipitating the incident.

D. POLICE ENVIRONMENT OF COMPLAINT

The police divisions in which the alleged incidents occurred are listed in Table 7. The largest number of complaints occurred in 52 Division (17.5%). This division covers the downtown core of Toronto, where there is a high degree of activity.

Altogether, there were over 1253 police officers mentioned in the complaints. The number of officers per complaint is tabulated in Table 8. The majority (78.9%) of the complaints involved one or two officers. Three officers were cited in 60 (9.6%) of the complaints and the remaining 72 (11.5%) cases involved 4 or more officers. Table 8 shows a comparison of these data to last year's findings.

TABLE 6

AGE AND GENDER OF COMPLAINANTS

AGE	MALE		FEMALE		TOTAL	
	No.	%	No.	%	No.	%
Under 16	9	1.7	-		9	1.5
16-17	16	3.1	1	1.0	17	2.8
18-25	165	31.8	29	29.9	194	31.5
26-35	177	34.1	27	27.8	204	33.1
36-45	95	18.3	23	23.7	118	19.2
46-55	37	7.1	11	11.3	48	7.8
56-65	14	2.7	3	3.1	17	2.8
Over 65	6	1.2	3	3.1	9	1.5
100% =	519	100.0	97	100.0	616	100.0

TABLE 7

POLICE DIVISION IN WHICH COMPLAINT OCCURRED

DIVISION	No.	%	DIVISION	No.	%
11	25	3.5	41	56	7.7
12	17	2.3	42	23	3.2
13	40	5.5	43	11	1.5
14	58	8.0			
21	17	2.3	51	45	6.2
22	32	4.4	52	127	17.5
23	27	3.7	53	27	3.7
31	51	7.0	54	30	4.1
32	43	5.9	55	57	7.9
33	26	3.6	NOT STATED	12	1.7
				724	100.0

TABLE 8

NUMBER OF POLICE OFFICERS INVOLVED PER COMPLAINT

NUMBER OF OFFICERS	1985 No.	1985 %		1984 No.	1984 %	
1	282	44.9	78.9	295	52.6	80.6
2	214	34.0		157	28.0	
3	60	9.6		41	7.3	
4	37	5.9		37	6.6	
5	14	2.2		18	3.2	
6	10	1.6	11.5	7	1.2	12.1
7	3	0.5		4	0.7	
>8	8	1.3		2	0.4	
	628	100.0		561	100.0	
Not Stated	1			2		
Case Withdrawn	95			80		
	724			643		
	AVERAGE = 2.0			AVERAGE = 1.6		

Because the vast majority (94.4%) of complaints involve four or fewer officers, specific data were collected on only the first four officers in each case. The rank of the named officers is shown in Table 9. The majority (88%) of the officers about whom complaints were made were constables; an additional 10% were sergeants. There was no difference between the current rank distribution and the one observed in 1984. The years of service with the force were also tabulated (Table 10). The majority (77%) had over 5 years of experience.

Most (1145, 98.6%) of the officers were on duty at the time the incident was alleged to have occurred.

E. LOCATION WHERE COMPLAINT FILED

The location at which the complaint was filed is shown in Table 11. The complaints were filed most frequently at a police station. The next most frequent location was the Office of the Public Complaints Commissioner. The use of the Office in this respect has been steadily growing since its inception (See Figure 2). Increasingly, the first contact for complainants is with the P.C.C.

F. DISPOSITION OF COMPLAINTS BY POLICE

The purpose of setting up a process of dealing with public complaints against the police was to ensure that there was some public scrutiny of the way in which complaints are handled by the police force. The initial flow of the 724 complaints through the police complaints process is shown in Figure 3. The complainant withdrew the complaint in 95 instances. An

TABLE 9

RANK OF POLICE OFFICERS INVOLVED IN COMPLAINTS

	1985		1984	
RANK	No.	%	No.	%
Inspector or Higher	1	0.1	2	0.2
Staff Sergeant	23	2.0	31	3.1
Sergeant	115	9.9	104	10.4
Constable 1	928	80.1	769	77.0
Constable 2	58	5.0	52	5.2
Constable 3	23	2.0	34	3.4
Constable 4	11	0.9	7	0.7
	1159	100.0	999	100.0

TABLE 10

NUMBER OF YEARS IN SERVICE

	No.	%
Over 20 Years	68	5.9
16-20	127	11.0
11-15	237	20.4
6-10	468	40.4
3-5	182	15.7
1-2	65	5.6
Under 1 Year	12	1.0
	1159	100.0

TABLE 11

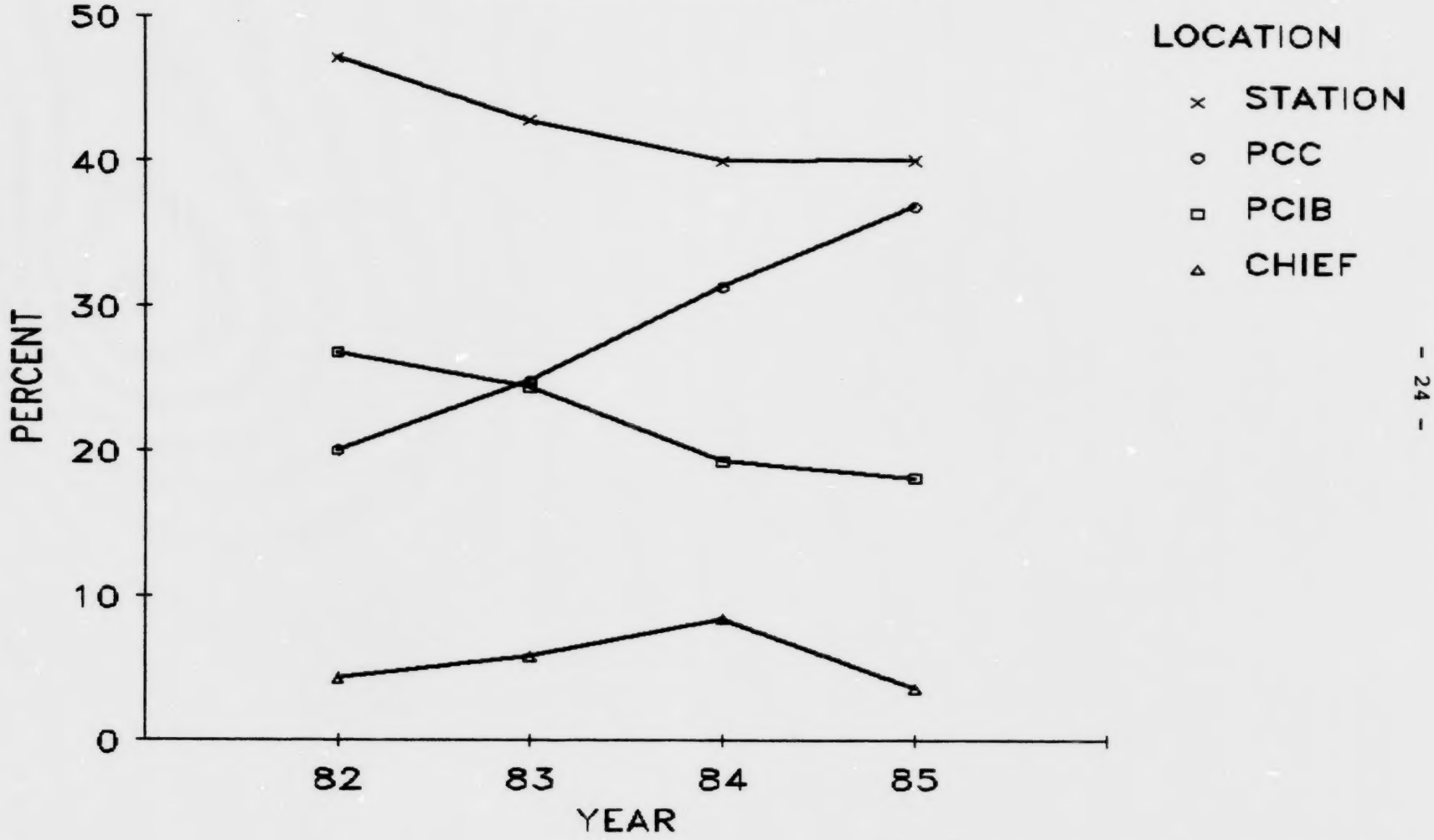
LOCATION WHERE COMPLAINTS FILED

	1985		1984	
	No.	%	No.	%
Police Station	291	40.2	258	40.1
Public Complaints Commissioner	268	37.0	202	31.4
Police Complaints Bureau	132	18.2	124	19.3
Chief of Police	26	3.6	54	8.4
Ontario Police Commission	4	0.6	5	0.8
Human Rights Commission	3	0.4	0	-
	724	100.0	643	100.0

FIGURE 2

LOCATION WHERE COMPLAINT FILED

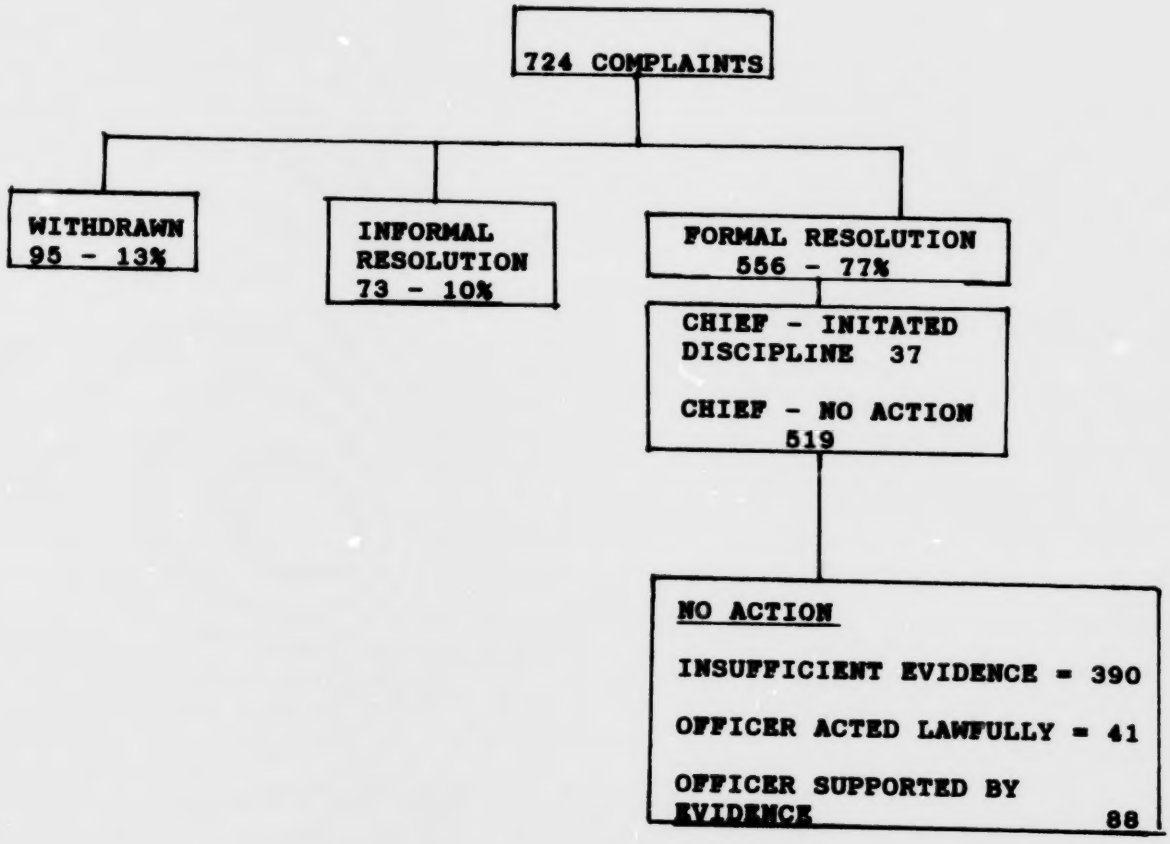
PERCENT DISTRIBUTION



ONLY FREQUENT LOCATIONS PLOTTED

FIGURE 3

INITIAL DISPOSITION OF THE COMPLAINTS



informal resolution was achieved in 73 cases. However, most of the cases (556, 76.8%) were investigated by the Public Complaints Investigation Bureau of the police force and sent to the chief of police for a decision as to whether discipline was warranted.

Complaints that were withdrawn or were resolved informally shared some common features. For example, there were fewer allegations per complaint than for the complaints that were processed formally. Another difference has to do with type of complaint. Earlier, the allegations were categorized in four major types. A comparison of type of allegation with type of resolution is presented in Table 12. An examination of the data reveals that the distribution of cases which were resolved informally was different from the cases which were resolved formally or were withdrawn. Specifically, a smaller proportion of cases which were resolved informally involved allegations of assault than the cases that were resolved formally or were withdrawn. More of the cases which were resolved informally involved threat, verbal abuse and other misuse of authority/position. There were no real differences, with respect to type of allegation, between cases that were withdrawn and cases that were resolved formally.

G. FORMAL DISPOSITIONS

The formal process of resolving a complaint usually involves an investigation by the Public Complaint Investigation Bureau of the police force. Every 30 days, an investigative

TABLE 12

COMPLAINT RESOLUTION BY TYPE OF ALLEGATION

	INFORMAL		WITHDRAWN		FORMAL		TOTAL
	No.	%	No.	%	No.	%	
Assault/Excessive Force	19	15.7	53	33.3	313	28.5	385
Threat, Verbal Abuse	54	44.6	46	28.9	350	31.8	450
Failure to Act According to Police Procedure	38	31.4	52	32.7	392	35.6	482
Other Misuse of Authority/Position As A Police Officer	10	8.3	8	5.0	45	4.0	63
100%=	121	100.0	159	99.9	1100	100.0	1380
Allegations/ Complaint	1.2		1.7		1.98		

N.B. RESULTS OF STATISTICAL TESTS ARE PRESENTED AS FOOTNOTES ON THE FINAL PAGE OF THE RESEARCH SECTION.

report is prepared and copies are submitted to the complainant, the PCC and the subject officer. At the end of the investigation, the Bureau file is submitted to the designated deputy chief of police for decision. That officer must then make a finding with respect to the complaint. In most (93%) of the 556 cases formally resolved in 1985, the deputy chief decided that no action was warranted. The most common (75%) reason for taking no action was that there was, in the opinion of the deputy chief, insufficient evidence to verify either side of the allegation. In 41 cases the police were adjudged to be acting in accordance with proper police procedure. In 88 of the complaints, there was corroborating evidence in support of the officers' version of the events, from sources other than police personnel.

There is a wide range of options available to the deputy chief of police once a decision is made that some action is warranted.

Officer Advised/Spoken To: Without making a judgment whether there was substance to the allegation, a superior officer informally discusses the case with the subject officer and suggests better ways of dealing with the situation.

Counsel: A superior officer acknowledges that there is substance to the allegation, but that the conduct was judged to be unintentional or resulted from inexperience. A counsel is recorded on the police officer's file at headquarters.

Caution: As above for Counsel: In addition, the officer is warned that further misconduct will result in charges pursuant to the Police Act.

Charge Under Police Act: The Chief of Police may charge the officer under the Police Act. In these cases, an internal disciplinary tribunal is convened. Misconduct must be proved beyond a reasonable doubt. Employment penalties such as a demotion can be imposed.

Board of Inquiry: The Chief of Police may refer the case to a public hearing before a civilian board of inquiry, under the Metropolitan Toronto Police Force Complaints Act, 1984. Misconduct must be proved beyond a reasonable doubt and employment penalties may be imposed.

Charge Under Criminal Code: The Chief of Police may cause the subject officers to be charged under the Criminal Code.

The disciplinary actions taken are shown in Table 13. The most common resolution was a caution and/or counsel. In five cases, officers were charged under the Police Act. In six cases, the Chief of Police caused a charge to be laid under the Criminal Code. The complainant laid criminal charges in 9 other cases. In total, Criminal Code charges were laid in 15 cases. In most of the cases the charges (11) were for assault and 3 were for assault causing bodily harm. The PCC was informed of the disposition of the charges in 14 of these cases. In four cases the charges were withdrawn. The officers were found to be not guilty in 8 cases and there were findings of guilt in two cases.

H. INFORMAL RESOLUTIONS

In ten percent of the cases, the complaints were resolved informally. A complaint is properly resolved informally only if both the complainant and the subject officer(s) agree in writing to the resolution. The reasons given for the informal resolution are presented in Table 14. The most frequent reason given for the informal resolution was that the complainant was satisfied to make the police aware of the incident. In almost a quarter (23%) of the cases, despite concerns raised by the former

TABLE 13

ACTION TAKEN AGAINST POLICE OFFICERS

NATURE OF RESOLUTION BY COMPLAINT

ACTION	INFORMAL	FORMAL
P.O. Advised/ Spoken To	1	4
Counsel	3	12
Caution		
Counsel & Caution		9
Charge Police Act		5
Charge Criminal Code		6
Referred to Board		1
	4	37

TABLE 14

ANALYSIS OF INFORMAL RESOLUTIONS

	NO.	%
Complainant content to make police force aware of complaint	40	54.8
Parties signed Resolution; no apparent reason for Resolution	17	23.3
Officer admitted allegation/apologized or explained actions	9	12.3
Complainant acknowledged possible mistake about alleged misconduct	3	4.1
Officer counselled and/or cautioned	3	4.1
Officer advised/spoken to by superiors	1	1.4
TOTAL INFORMAL RESOLUTIONS	73	100.0

Commissioner on this issue, no reason for agreement was recorded. The Metropolitan Toronto Police Force Complaints Act, 1984 gives the Commissioner the right to have a complaint continued in the system despite the resolution of the complaint. This right is exercised in situations in which it appears that misunderstanding, threat or improper procedure was the basis of the resolution. For this reason, the absence of a reason for informal resolutions is of some concern. During the coming year, the present Commissioner will be discussing this issue, and other concerns relating to the criteria used in effecting informal resolutions, with the Chief of Police.

I. WITHDRAWALS

Ninety-five (13.1%) of the complaints were withdrawn by the complainant. Just over a quarter (27.4%) of the withdrawals were attributed to an admission of error on the part of the complainant. The error was usually explained by the complainant having been intoxicated at the time of the incident so that a clear recollection of the events was impossible. In another 22.1% of the cases, the reasons for withdrawal were not known. Some (13.7%) of the complainants who withdrew their complaint stated their desire to merely call attention to the incident or put it on the record rather than follow through with an investigation, while another 9.5% withdrew their complaints stating that all their concerns or allegations had been dealt with in court. The remaining cases (27.3%) were withdrawn for miscellaneous reasons.

J. REVIEWS BY PUBLIC COMPLAINTS COMMISSIONER

The complainant requested a review by the Public Complaints Commissioner in 122 (21.9%) of the 556 complaints which were resolved formally by the police. In discussing the outcome of the review, it is important to note the actual decision reached by the deputy chief of police. These data are presented in Table 15. Most (76%) of the requests for review involved cases in which the police chief decided that there was insufficient evidence to verify the allegations made in the complaint. In most instances, the Commissioner's review agreed with this decision. However, the five cases in which the Commissioner ordered a Board of Inquiry involved cases in which the Chief of Police had decided there was insufficient evidence. The investigation section of the Office of the Public Complaints Commissioner has available to it the record of the police investigation. In addition, P.C.C. investigators conduct further investigation where necessary.

The PCC review agreed with the police findings in 89% of the cases it reviewed. In eight cases, the Commissioner substantially agreed with the complainant, but considered that the nature of the complaint in all of the circumstances did not warrant a public hearing. For all cases in which a hearing was not ordered, a review report was written by the Commissioner.

K. TIME INTERVALS

A careful record was kept of the various time intervals involved in making the complaint. A primary concern is the

TABLE 15

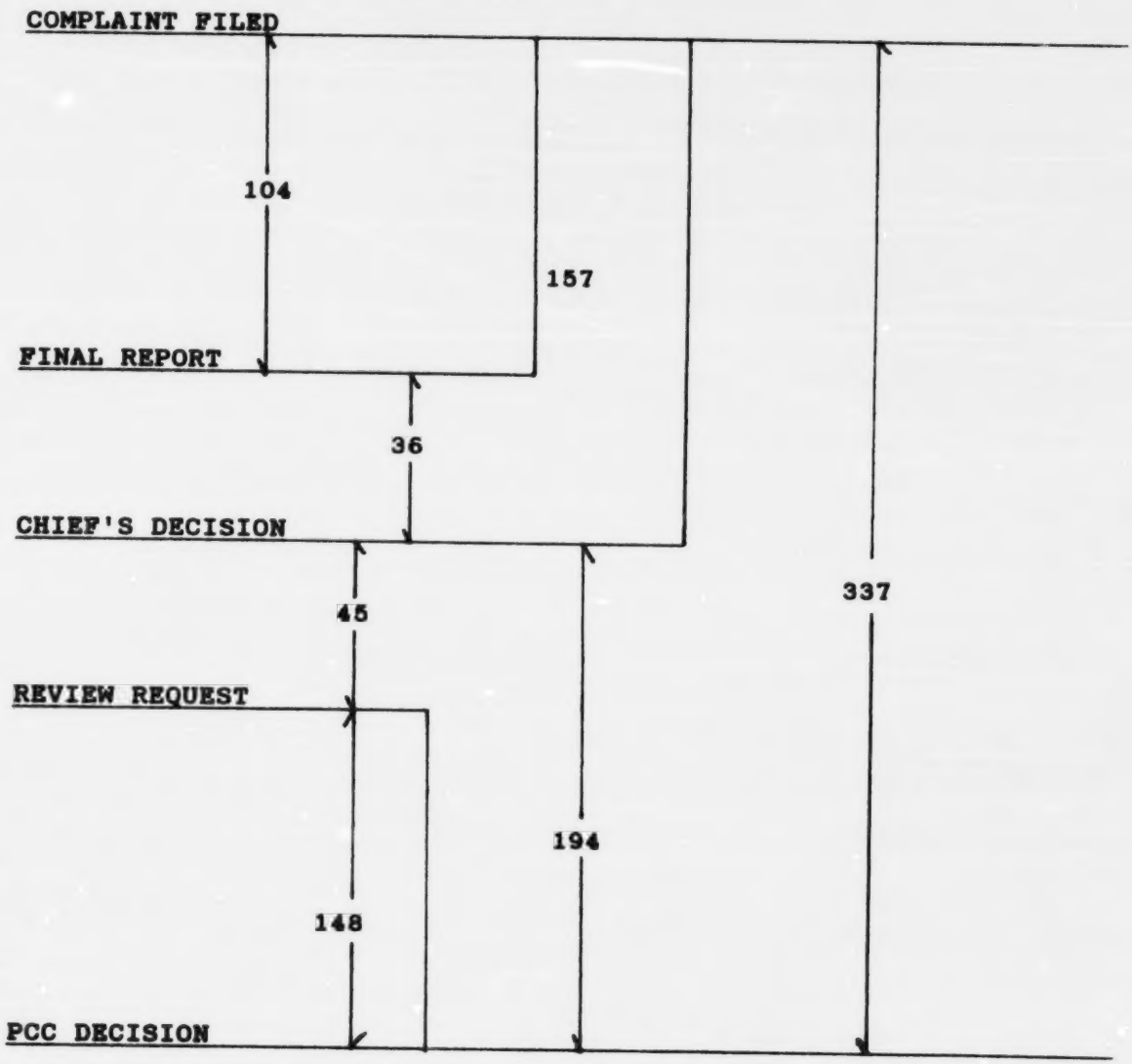
P.C.C. REVIEW BY STATED REASON NO ACTION TAKEN

P.C.C. REVIEW OUTCOME	INSUFFICIENT EVIDENCE	OFFICER ACTED ACCORDING TO POLICE PROCEDURE	EVIDENCE AGAINST ALLEGATION	TOTAL
Agree With Chief	59	9	12	80
Agree Partially With Chief	13	2	2	17
Not in Public Interest	6	1	1	8
Board	5	-	-	5
Withdrawn	8	-	2	10
	91	12	17	120

Two cases could not be cross-classified because some sort of action was taken by the police.

FIGURE 4

TIME INTERVAL BETWEEN EVENTS
(AVERAGE DAYS)



N.B. - SINCE THERE IS A HIGH DEGREE OF OVERLAP BETWEEN SUCCESSIVE TIME INTERVALS, THE MEANS ARE NOT ADDITIVE. THIS FIGURE IS MEANT TO PROVIDE A CONCEPTUAL FRAMEWORK ONLY.

uncertainty experienced by both the complainant and the officers pending the resolution of the matter. Just over a quarter (191, 26.4%) of the complaints were filed on the day the incident allegedly occurred. The average time lapse for the remaining cases was 20.2 days, the longest interval being over 100 days.

Two key questions of interest to the public are how long does the police review process take and how long does the PCC review process take? (See Figure 4).

The number of days between the time the complaint was filed and the chief's decision is presented in Table 16. Most (57%) of the complaints were disposed of within 150 days, and 75% were resolved within 6 months. Almost all (96.2%) of the complaints were resolved within a year of filing.

As was noted earlier, 122 of 556 cases resolved formally by the Chief of Police were reviewed by the P.C.C. The number of days from a request for review to decision by the Commissioner is presented in Table 17. Just under half (46.7%) of the reviews were completed within 90 days.

Reviews often involve time-consuming but unavoidable features such as the necessity of monitoring ongoing or pending trials in which relevant evidence might be uncovered, the awaiting of transcripts of trials, unavailable witnesses, and the need for analysis of forensic evidence and research into legal issues. However, keeping the time taken for review within reasonable limits is an ongoing concern for the Commissioner.

TABLE 16

TIME FROM COMPLAINT FILING TO CHIEF'S DECISION

DAYS	NUMBER	%
31-90	90	16.2
91-120	107	19.2
121-150	118	21.2
151-180	86	15.5
181-270	105	18.9
271-365	29	5.2
365+	21	3.8
	556	100.0

TABLE 17

TIME FROM REQUEST FOR REVIEW TO P.C.C. DECISION

DAYS	NUMBER	%
12-90	57	46.7
91-120	10	8.2
121-150	10	8.2
151-180	12	9.8
181-270	13	10.7
271-365	12	9.8
365+	8	6.6
	122	100.0

L. PCC WORKLOAD

Data have been collected on the operations of the Office of the Public Commissioner since 1982. Thus, at present there are four years of data available. There are two major points of contact with the public. The first at the receipt of the original complaint. The second is the reviewing of the police decision.

As was shown earlier, the proportion of complaints which were made at the PCC has increased steadily. The actual number of complaints filed at the PCC has risen from 122 in 1982 to 268 in 1985. This represents an increase of 120%. This increase is presented graphically in Figure 5. Similarly, the requests for reviews have gone up dramatically from 17 in 1982 to 122 in 1985. Clearly, the public demand for the services of the PCC have increased substantially since its inception.

M. OTHER CONTACTS WITH THE OFFICE OF THE PUBLIC COMPLAINTS COMMISSIONER

During the 1985 year in addition to the 329 formal complaints filed with the Office, there were an additional 745 recorded contacts made with the P.C.C. office by 563 people, concerning inquiries which, although they did not develop into complaints, took a substantial amount of time to resolve.

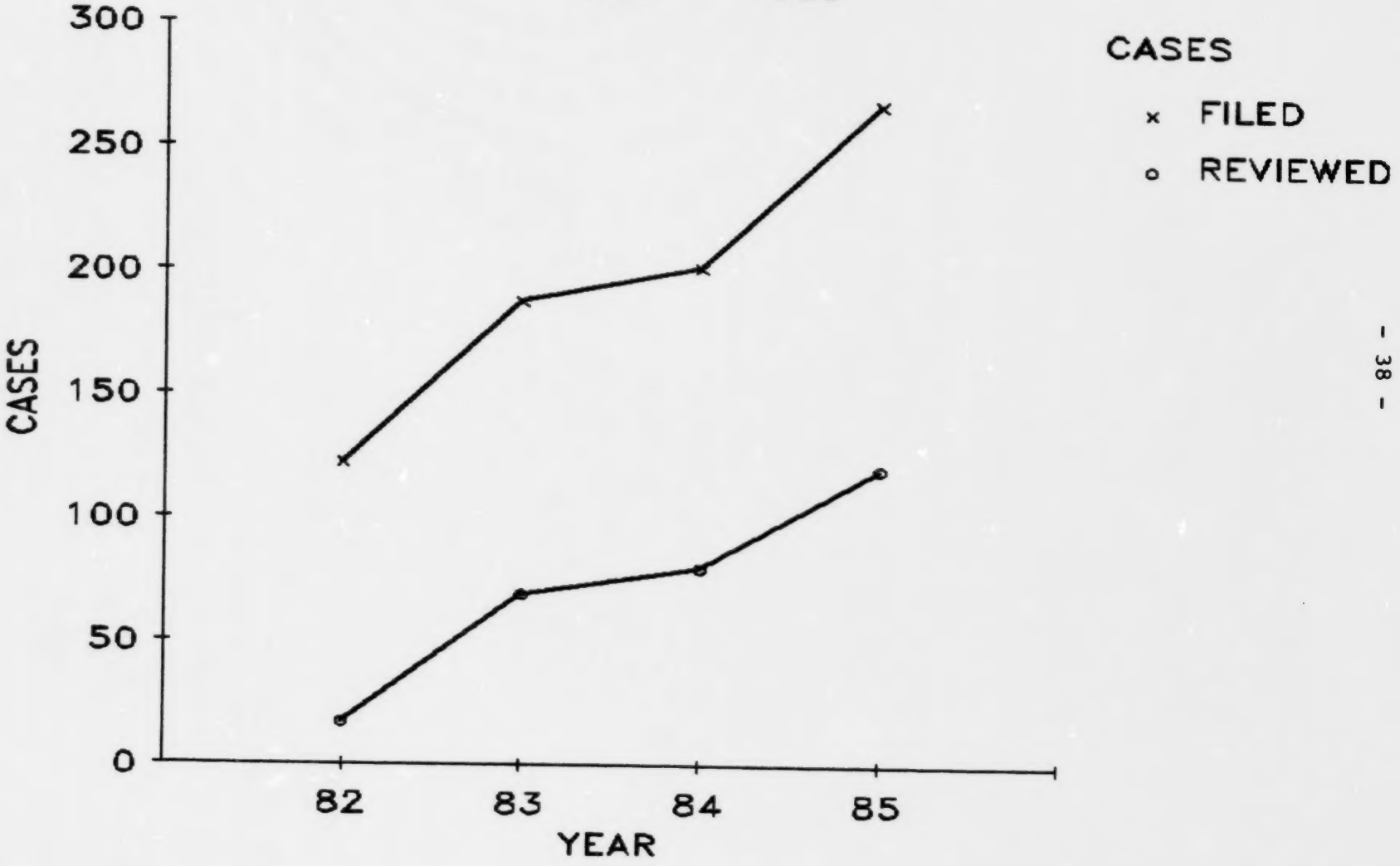
Of these 745 contacts, 73.7% were made by telephone, 12.1% were made by letter, while 13.6% were personal appearances. It is estimated that each of these initial inquiries required approximately 30 minutes of an investigator's time to resolve in addition to any subsequent time spent on follow-up.

FIGURE 5

WORKLOAD INDICATORS

PUBLIC COMPLAINTS COMMISSIONER

1982 – 1985



Of the 563 people who made inquiries to the P.C.C. office during this period, 101 or 17.9% were referred in various ways, including referrals from government agencies, lawyers, or aldermen.

In 65.3% of these contacts, people inquired about specific incidents and wished to know whether or not they had a complaint within the P.C.C.'s jurisdiction. Six percent of the contacts were requests for information about either the P.C.C. or the procedures set out in the legislation. Another 6.2% made general complaints regarding the police or the justice system; 14.5% requested information about non-police matters while 4.2% requested general information about the police, without having a specific complaint. The majority of these contacts involved some form of follow-up activity by the P.C.C.; such as 281 additional telephone calls which were made by investigators to aid in the resolution of these inquiries. Further, 60 letters were written for the same purpose and 62 interviews were conducted. In 49 cases a subsequent follow-up appointment was made. In 10 of these cases the person inquiring attended the follow-up interview, while in 39 cases they did not.

Seventy-nine of the contacts were made by people who wanted to lodge a complaint about a police officer on a police force other than the Metro Toronto Police. These complaints were not within the P.C.C.'s jurisdiction and were referred to the proper agencies.

In addition, various people were referred to the Metropolitan Toronto Police Force, the Law Society, municipal police authorities, Chiefs of Police in other jurisdictions, the Attorney General, the Ombudsman, the Ministry of Consumer & Commercial Relations, the Ministry of Labour and various Aldermen.

During 1985, the P.C.C. dealt with approximately 1520 telephone inquiries which were directed to other agencies.

STATISTICAL FOOTNOTE

Table 12

$X^2 = 19.54$ df = 6 p = 0.0033

Informal vs (withdrawn & formal)	$X^2 = 17.40$ df = 3 p = .0079
Withdrawn vs Formal	$X^2 = 2.14$ df = 3 p = 0.544

PART III

Other Significant Activities

PART III - OTHER SIGNIFICANT ACTIVITIES

Two important parts of the Public Complaints Commissioner's mandate are the educative and preventative functions of the Office. In the 1985 year, activities undertaken included educational efforts directed toward both police and the public, consultation with the police in the administration of the Act, participation in dialogue between police and community, formal recommendations as to changes in police practices and procedures and the hosting of an international conference of agencies dealing with civilian complaints against police officers.

A. EDUCATION ABOUT THE COMPLAINTS LEGISLATION - POLICE AND PUBLIC

Since its inception, the Office of the Public Complaints Commissioner has maintained an educative programme directed at informing both the public and the police about the legislation. The Office has published three short information pamphlets, and P.C.C. staff have continued those public information activities described in the first three Annual Reports. In addition, the Commissioner regularly appears at the C.O. Bick Police College for training sessions on the terms of the complaints legislation and its implications for supervisory police officers. The Commissioner has also met with the Police Association on several occasions to discuss various features of the legislation.

B. ON-GOING CONSULTATION WITH THE POLICE FORCE AND THE BOARD OF COMMISSIONERS OF POLICE

Complaints against the police by the public, the appropriate resolution of such complaints, and the

prevention, so far as possible, of situations in which complaints might arise is a serious concern of police management at all levels. Thus, the Commissioner spends a considerable amount of time in discussions with the Chief of Police, senior staff with the police force, and the head of the Public Complaints Investigation Bureau. The Commissioner has also met with the Board of Commissioners of Police and with the Police Association to discuss concerns relating to both the rights and responsibilities of the individual officer and the rights and responsibilities of police management in this area.

C. PARTICIPATION IN POLICE/COMMUNITY DIALOGUE

Part of the mandate of the Office of the Public Complaints Commissioner is to try to prevent, or prevent the escalation of, situations of misunderstanding or hostility between the police and community. In the furtherance of this objective, P.C.C. staff have helped to initiate and have participated in on-going formal police/community dialogue. Some of this dialogue has been on an ad hoc, short-term basis, and at a neighbourhood level. Some has involved more formal police/community communication throughout the year. The examples below represent intervention at the neighbourhood, Metropolitan Toronto and greater Metro area levels.

1. Regent Park Advisory Committee on Police-Community Relations

This Committee was formed to address policing concerns in a small but populous area of the city which had been the subject of a report to the Board of Commissioners of Police by this office in 1984. The Advisory Committee, is composed of Regent Park residents, professionals working within the community, the police Division Commander for the area,

Community Relations police officers, and a representative of the Metropolitan Toronto Board of Commissioners of Police. The Committee has met regularly to improve police/community communications, to deal quickly with any problems that arise, and to take action directed toward preventing problems between police and comunity in the future.

2. Council on Race Relations and Policing

The Council on Race Relations and Policing is an independent voluntary association concerned with race relations and policing in Metropolitan Toronto. The Council's membership includes members of the Metro Toronto Police Force, municipal government officials, representations from various federal and provincial institutions concerned with policing and interested individuals within the community. The Office of the Public Complaints Commissioner has been represented on the Council on Race Relations and Policing since 1982, and is an active participant in subcommittee work.

Current projects undertaken by the Council include the creation of a videotape to educate the community on the law relating to the phenomenon of young persons "hanging out" in public places, and a study of the cross-cultural training done by the Metropolitan Toronto Police Force, for the purpose of making recommendations for the improvement of this training.

3. The Greater Toronto Regional Working Group on Policing in Multicultural, Multiracial Urban Communities

The Greater Toronto Regional Working Group on Policing in Multicultural, Multiracial Urban Communities was formed in 1984 to address policing issues arising out of the increasing plurality of our society. The Working Group is composed of representatives from the police forces of Durham Region,

Halton Region, Metropolitan Toronto, Peel Region and York Region, as well as representatives of various communities and various levels of government, and people with expertise in the area of race and ethnic relations and cross-cultural communication. The purpose of the Working Group is to develop detailed plans for specific actions by police and community to achieve the goals of more representative police forces, enhanced cross-cultural training for police officers, improved citizen complaints procedures, and improvement and coordination of police/community liaison activities. The Office of the Public Complaints Commissioner has been represented among the members of the Working Group since its inception.

The Working Group's first project was to review the methods of recruitment and hiring presently in place among the member police forces, and to devise recommendations for change which would have the effect of removing any systemic barriers toward equal opportunity in the hiring of police officers. By December 21, 1985, a report on recruitment and hiring practices with recommendations for changes where necessary was in draft. The Working Group will continue to meet to finalize the report and to deal with the other items on its agenda.

D. RECOMMENDATIONS TO THE METROPOLITAN TORONTO BOARD OF COMMISSIONERS OF POLICE

As mentioned in paragraph B, the Commissioner maintains on-going communication with police management. In the course of day-to-day communication, management measures which might prevent the occasion for complaints are frequently discussed. In addition, the Metropolitan Toronto Police Force Complaints Act, 1984, gives the Commissioner the power to make formal recommendations directed toward the prevention of situations in which complaints might arise.

Section 21 of the Act provides that the Commissioner may make recommendations to the Metropolitan Toronto Board of Commissioners of Police when the Commissioner is of the opinion that a police practice or procedure, or a law, should be altered. The Board of Commissioners of Police must respond in writing to such recommendations, within 90 days, to the Attorney General, the Solicitor General, and the Commissioner.

E. INTERNATIONAL CONFERENCE: FORMATION OF IACOLE

From October 1 to October 4, 1985, the Office of the Public Complaints Commissioner had the honour of hosting the first International Conference for Civilian Oversight of Law Enforcement. This conference brought together 178 delegates and speakers - civilians and police officers - from all over the world. Sweden, the Netherlands, Nigeria, Australia, Bermuda, England and Wales, Northern Ireland, the United States of America and Canada were represented in the assemblage.

The history of how the conference came about is particularly interesting. Formal systems for dealing with complaints by the public against law enforcement officers have been implemented in other jurisdictions throughout the world and, in particular, many new systems have been implemented since 1980. Some of these take the form of specialized, discrete agencies dealing only with law enforcement complaints. Others are part of larger agencies such as an Ombudsman's office or a police commission.

Over the past few years persons dealing with police complaints have individually recognized the need to share information and common experiences. In 1983, approximately 35 people from the United States attended a conference in

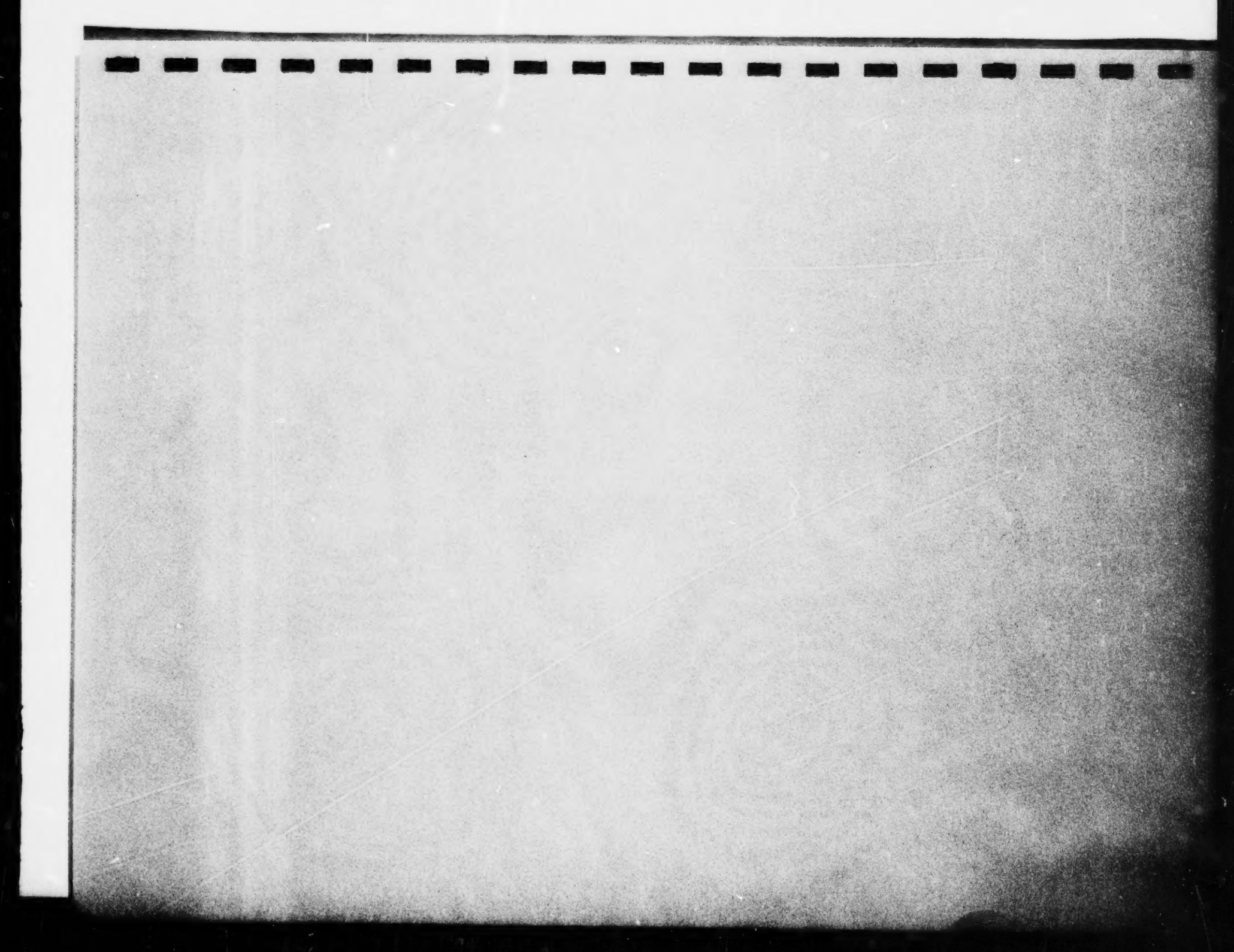
Chicago, jointly sponsored by the United States Department of Justice and the University of Illinois at Chicago. In 1984, a second conference took place, once again in Chicago, and the Office of the Public Complaints Commissioner was invited to attend. At the 1984 conference, a Steering Committee was formed to create an international association and Stephen Ginsberg, the former Director of Legal Services for the Office of the Public Complaints Commissioner was elected Co-Chairperson of that Steering Committee. Plans for a conference in 1985 were made, and Toronto was chosen as its site. The International Conference for Civilian Oversight of Law Enforcement was opened with an address by the Attorney General for Ontario, the Honourable Ian Scott. Keynote addresses were given by the Ombudsman for the Netherlands, the former Ombudsman of Sweden, the Ombudsman for New South Wales, Australia, the Chief of Police of Miami, Florida, and Ramsay Clark, the former Attorney General for the United States. A number of useful "workshop" sessions over the three days provided delegates with an opportunity to share information and grapple with common problems and issues.

On the last day of the conference, the International Association for Civilian Oversight of Law Enforcement (IACOLE) was formed. The new Public Complaints Commissioner was elected to the Board of Directors and is now the Vice-Chairperson of IACOLE. The purpose of IACOLE is to develop an international forum for all those persons who either work directly in the field of civilian oversight of law enforcement or are interested in the subject. IACOLE will seek to develop mechanisms that will enhance police-community relations and encourage law enforcement agencies to respond with sensitivity to public complaints. It is hoped that IACOLE will act as a clearinghouse for literature in this area and provide technical assistance and education for those jurisdictions interested in developing various forms of civilian oversight of law enforcement.

The conference agenda with details of participants, and information concerning IACOLE Executive Members are contained in the appendices of this Annual Report.

PART IV

Boards of Inquiry



PART IV - BOARDS OF INQUIRY

A. INTRODUCTION

Both the Public Complaints Commissioner and the Chief of Police can decide to send a complaint to a Board of Inquiry called under the Metropolitan Toronto Police Force Complaints Act, 1984, if they consider that a public hearing is warranted. In addition, any police officer who wishes to appeal from a decision of an internal police disciplinary tribunal under the Police Act can appeal to a Board of Inquiry under the complaints legislation.

The individuals who form Boards of Inquiry to hear and decide upon complaints are taken from a panel appointed by the Lieutenant Governor in Council. One third of the members of this panel are recommended for appointment jointly by the Attorney General and the Solicitor General; one third of the members are recommended for appointment by Metro Council and the remaining one third are recommended jointly by the Metropolitan Toronto Board of Commissioners of Police and the Metropolitan Toronto Police Association. The Attorney General/Solicitor General appointees must be members of the Law Society of Upper Canada; these persons chair each Board hearing.

A Board of Inquiry in respect of an allegation of serious misconduct is heard by three people; one from each group of appointees. A Board of Inquiry involving an allegation of minor misconduct is heard by one person, an appointee of the Solicitor General and Attorney General.

Hearings are held in a Royal Commission hearing room and are similar to other administrative or quasi-judicial proceedings. The Statutory Powers Procedure Act and the rules of natural justice apply, and all hearings are open to the public.

B. BOARD OF INQUIRY DECISIONS, 1985

Between December 21, 1984 and December 20, 1985, five Boards of Inquiry were called by the Public Complaints Commissioner. One of these Boards of Inquiry was completed during the year.

The following is a summary of five Board of Inquiry decisions delivered during the 1985 reporting year. Four of these decisions are the result of Boards of Inquiry called in 1984, but not completed in that year.

1. Re Hodges (Officer) and Waugh (Complainant), January 23, 1985 (Panel: Barrett).

Hearing called by the Commissioner.

Complainant rented business premises and was living in basement premises of the same building. Officers attended building in response to noise complaint made by a neighbour. Complainant alleged that officers kicked a door open, rushed into residential premises and searched them for approximately 15 minutes.

Officers confirmed that they were investigating a noise complaint but denied kicking down door or searching premises. Officers alleged that they had investigated a previous noise complaint and that complainant at that time denied living on the premises. When complainant answered door, they recognized him and asked him whether he lived on premises. Officers stated that complainant acknowledged that he lived on premises and gave his name, but that they were suspicious as to his identity, due to the fact that a business card attached to the door gave a different name. Officers alleged

that complainant shouted abusive language, upon which they cautioned him for causing a disturbance. Officers stated that complainant continued shouting and that they then arrested him for causing a disturbance. Officers stated that complainant ran away but was recaptured, that P.C. Hodges had entered the premises to see if anyone else could identify the complainant.

While all witnesses' testimony contained inconsistencies, testimony of landlord and another tenant confirmed significant parts of police officers' testimony. Landlord, in particular, indicated that the officer in question did no more than put his foot across the threshold of the premises. Landlord indicated that he himself had kicked the door. This evidence was confirmed by size of shoe print left on door.

On reviewing the evidence, the Board found that P.C. Hodges had pushed or shoved the door open, but entered no further than the threshold. The Board also found that the damage to the door was caused by the landlord rather than P.C. Hodges. The Board indicated that the reason P.C. Hodges pushed open the door was to see if someone on the premises could properly identify the complainant.

The Board stated that P.C. Hodges was guilty of a trespass on the premises when he opened the door and stood in the doorway, there being no statutory or common law authority for a police officer to enter premises for the purposes of having someone identified. However, the Board found that P.C. Hodges did not know that opening a door and standing in the doorway constituted an entry in law.

The Board dismissed the allegation that P.C. Hodges had damaged the door and declined to make a finding of misconduct in relation to the entry. However, having made this finding,

the Board indicated that notice was given to P.C. Hodges and any other officer having knowledge of this decision, that the opening of a door to private premises and even the slightest entry in these circumstances is a trespass at law and should not be repeated.

2. Re Vetere, Giancola (Officers) and Hendry (Complainant) - May 22, 1985 (Panel: Sigurdson, Hong, Crothers)

Hearing called by the Chief of Police.

Complainant alleged assault of himself and a friend by two police officers.

Complainant and friend had broken into a building late at night. A warning alarm was set off, and complainant and friend fled to the roof of an adjoining building. Several police officers answered the alarm, and subject officers followed complainant and friend to roof, jumping over a six foot gap from one roof to another in order to effect the arrest. Upon arresting complainant and his friend, the officers handcuffed them behind their backs and had them lie on the roof.

Complainants alleged that both officers repeatedly kicked and punched them in the back, stomach and chest.

Only one subject officer attended the hearing. This officer stated that after effecting the arrest and handcuffing the suspects, he spent seven to ten minutes searching the roof for evidence of the break-in. Officer denied knowledge of any assault.

The Board heard evidence as to the physical condition of complainant and friend just previous to the incident, medical

evidence as to the nature of the injuries and their possible cause and evidence of other police officers as to the treatment of the complainant and his companion at the station. In addition, the Board heard evidence from some firefighters who had been called to the scene to assist in getting the complainants and the officers down from the roof of the building. The firefighters corroborrated the fact that complainants complained of injury, and one of the firefighters also observed rough treatment of one of the suspects as he came down from the ladder.

The Board commented upon the fact that the evidence of various police officers who testified conflicted and contained many inconsistencies. The Board noted that, while injury was noted by the police officers dealing with the complainant, the officers did not initiate any investigation of this injury or of the complainant's statement that he had been assaulted. Further, the Board commented on an appearance among the police officers who testified of an attempt to shield the subject officers and to picture themselves as not having witnessed anything untoward.

Both officers were found guilty of misconduct.

In considering the penalty for Officer Giancola, the Board considered evidence as to his good employment record, and noted that this assault was apparently out of character. The Board also considered the fact that the injuries resulting from the assault were minor. However, the Board also noted that, while the complainant and his friend may have been verbally provocative initially with the police officers, he and his friend were handcuffed and were helpless at the time of the assault. The majority of the Board ordered that Officer Giancola forfeit 5 days off. One member of the Board (the appointee of the Municipality of Metropolitan Toronto) dissented; this member of the Board would have reprimanded the officer.

The Board reviewed Officer Vetere's employment record. While that record contained two commendations, Officer Vetere had also been cautioned on several occasions, and had twice been convicted of offences under the Police Act. Further, the Board noted that Officer Vetere had been convicted of criminal offences on two occasions. On the first occasion, he was convicted of mischief to private property in an incident in which, while off duty, he kicked in the door of another person's car. On the second occasion, he was convicted of assault upon a civilian while he was on duty. For the latter conviction, he was sentenced to 30 days in a correctional facility. The Board concluded that the assault in this case was not out of character for this officer. The Board ordered the officer to resign from the police force within 7 days.

The decision respecting Officer Giancola is under appeal to the Divisional Court of Ontario.

3. Re Fiume, Cornwall (Officers) and Yuen (Complainant) - August 29, 1985 (Panel: Searles, Singh, Levy)

Hearing called by the Commissioner.

Complainant alleged assault at time of arrest, in a police car and at the police station.

Complainant stated that, while in a shopping mall, he decided to use the men's washroom. While urinating, he saw another man looking at him. He became concerned and attempted to leave the washroom. This person showed him a police badge and asked the complainant for some identification. Complainant alleged that when he reached into his hip pocket for his identification he was pushed by the officer. Complainant fell backward to the ground in the passage-way between the restaurant area of the mall and the washroom.

Complainant stated that another plainclothes officer who had been in the washroom then grabbed complainant by the throat and struck complainant's head on the floor several times. Complainant was handcuffed while lying on the floor and was punched several times. He was then dragged from the floor and taken to a police car. Complainant alleged that during the journey to the station he was punched by one of the officers several times and subjected to considerable verbal abuse. When the police car was parked in the indoor garage at the police station complainant was kicked and punched. Whenever he crouched to the floor, he was told to stand straight and kicked again, followed by verbal abuse. Complainant was eventually taken into the booking section and approximately 15 minutes later he was allowed to wash the blood off at a water fountain. He was then charged with committing an indecent act and assaulting police.

Complainant's injuries consisted of bumps at the crown of his head, a blackened left eye, a swollen mouth, a cut lip, a bruise on the arm, severely bruised testicles, a broken tooth and a broken denture. He had none of these injuries prior to his encounter with the police.

While subject officers attended hearing during testimony by complainant and his witnesses, they did not attend to testify. At a hearing held before the evidence was heard by the Board, the lawyer for one of the officers made a motion that the complaint be dismissed on the grounds that his client had resigned from the Metropolitan Toronto Police Force earlier in the year. The issue the Board had to consider was whether or not it still had jurisdiction over the matter in view of these facts. The Board concluded that it had not lost jurisdiction and that the hearing would continue. Shortly after this finding, the second officer also resigned from the Force.

At the actual hearing of the case, the Board heard medical and other evidence. No evidence was called on behalf of the officers.

The officers were found guilty of misconduct.

The Board stated its concern that the Metropolitan Toronto Police Force had accepted the resignation of the officers before the hearing. The Board noted that no penalty could be imposed on the officers in these circumstances; however, on the principle of general deterrence of similar misconduct, the Board stated the penalties that would have been imposed in this case.

The officer who was mainly responsible for the assault would have received a suspension of 30 days without pay; the other officer, the forfeiture of 5 days' pay.

4. Re Weller (Officer) and Neely (Complainant) - October 15, 1985. (Panel: Barrett, Clements, Santos)

Hearing called by the Commissioner.

Complainant alleged assault at time of arrest.

Complainant attempted to use someone else's credit card in a drug store. When he realized he was detected by the clerk he attempted to escape. He was apprehended by store clerks and security guards. There was a scuffle which lasted about five minutes. Police were called, and two officers arrived and took complainant into a back room.

Complainant stated that on arrival in room he refused to give his name, and that officer then kneed him in the groin, punched him twice in the abdomen, and threw him to the ground. Complainant alleges that officer brought his boot

down twice on complainant's ribs. The complainant suffered a ruptured testicle as well as torn ligaments.

Subject officer denied the assault entirely and asserted that the injuries must have been caused during the scuffle in the mall. Both officers also described the complainant as being under the influence of alcohol.

Medical evidence established that it was highly unlikely that the injuries could have occurred in the struggle with several persons as described. The evidence of those involved in the struggle was contradictory. One civilian witness in particular was so unreliable that the Board disregarded his evidence.

The Board found the officers' notes to be remarkably similar to each other, and made a finding that the officers had colluded in the writing of their notes and had given false evidence in order to protect themselves. Although they were investigating a case of unlawful use of a credit card and assault, their notes made little mention of this and instead focussed on a physical description of the complainant. The officers did not take notes of important conversations, or of personal information about the complainant. Parts of their evidence were contradicted by other police officers.

The officer was found guilty of misconduct.

In considering penalty, the Board took note of the subject officer's employment record, which included a number of commendations and three misdemeanours. Balanced against the officer's good employment record were the facts that complainant was under arrest and behind closed doors when the assault occurred, that complainant's only provocative behav-

iour was to refuse to give his name and to swear at the officers, that the subject officer was 5 inches taller and 62 pounds heavier than the complainant, and that the assault consisted of considerably more than a simple, impulsive blow. The fact that the complainant was severely injured, requiring surgery and suffering permanent damage, was also considered.

The officer was directed to resign from the Force within seven days, or be dismissed if he refused to resign.

The decision is under appeal to the Divisional Court of Ontario.

5. Re Pike (Officer) and Khoury (Complainant) - October 31, 1985. (Panel: Makuch)

Hearing called by the Commissioner.

Complainant alleged incivility and refusal by officer to give name and badge number.

Complainant was a doctor who was driving from his home to an emergency at a hospital. It was raining and traffic was being re-routed because of a parade. Complainant stated that he tried to bring his car close to a police officer to ask him if he could bring his car through the shortest route to the hospital. Officer stepped in front of the car to stop him. Complainant made a gesture with his arm meaning to communicate to the officer that he wished to speak to him. Complainant alleged that officer came up to the car window and swore at him, threatening violence, then refused to give his name and badge number when requested to do so.

Officer stated that he observed a man in casual attire, driving a car in excess of the speed limit, come skidding to a halt. Officer stated that he had to step out of the way of the vehicle. Officer denied swearing, although he admitted speaking angrily to the complainant. Officer also testified that he did give his badge number when requested, but was not asked for his name.

In considering the evidence the Board was of the opinion that both the facts alleged by the complainant and the question as to whether conduct proved constituted misconduct must be proven beyond a reasonable doubt.

The officer was found guilty of misconduct.

In considering penalty, the Board took into account the officer's employment record, which had a number of commendations and two minor misdemeanours. The Board also noted the difficulty of the officer's working conditions on the day in question.

On the recommendation of all counsel, the Board reprimanded the officer.

This decision is under appeal to the Divisional Court of Ontario.

APPENDICES

APPENDIX A

Bill 140

4TH SESSION, 32ND LEGISLATURE, ONTARIO 33 ELIZABETH II, 1984

Bill 140

(Chapter 63
Statutes of Ontario, 1984)

An Act to revise the Metropolitan Police Force Complaints Project Act, 1981

The Hon. R. McMurtry
Attorney General

1st Reading November 13th, 1984
2nd Reading December 7th, 1984
3rd Reading December 14th, 1984
Royal Assent December 14th, 1984

Printed under authority of the Legislative Assembly
by the Queen's Printer for Ontario

Bill 140 **1984**

An Act to revise the Metropolitan Police Force Complaints Project Act, 1981

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "Bureau" means the Public Complaints Investigation Bureau;

(b) "chief of police" means the chief of police of the Metropolitan Police Force;

(c) "Commissioner" means the Public Complaints Commissioner appointed under this Act;

(d) "complainant" means a member of the public who makes a complaint in accordance with the provisions of this Act;

(e) "complaint" means an allegation or allegations, made orally or in writing, by a member of the public, concerning the misconduct of a police officer;

(f) "inquiry" means an allegation or allegations concerning conduct of a police officer that does not amount to "misconduct";

(g) "misconduct" means an act or omission on the part of a police officer that constitutes an offence under the Code of Offences set out in the Schedule to Regulation 791 of the Revised Regulations of Ontario, 1980, made under the *Police Act*; R.S.O. 1980, c. 381

(h) "officer in charge" means the police officer who at any particular time, while on duty, is in charge of and responsible for, the proper functioning of a police facility;

(i) "police officer" means a police officer on the Metropolitan Police Force;

(j) "prescribed" means prescribed by the regulations;

(k) "regulations" means the regulations made under this Act;

(l) "subject officer" means a police officer who is the subject of a complaint.

Application of Act

2. This Act applies to complaints and inquiries made by members of the public respecting the conduct of police officers on the Metropolitan Police Force and hearings under this Act and disciplinary proceedings under the *Police Act* and the regulations thereunder arising out of such complaints.

R.S.O. 1980, c. 381

Appointment of Public Complaints Commissioner

3.—(1) The Lieutenant Governor in Council shall appoint a Public Complaints Commissioner, to hold office for a term not exceeding five years, to exercise the powers and perform the duties assigned to him by this Act and the regulations.

Re-appointment

(2) The Commissioner may be reappointed for a further term or terms not exceeding, in each instance, five years.

Officers, etc.

(3) Such officers and employees as are considered necessary from time to time for the purposes of this Act may be appointed under the *Public Service Act*.

R.S.O. 1980, c. 418

Remuneration

(4) The Commissioner shall be paid such remuneration and allowance for expenses as may be fixed by the Lieutenant Governor in Council.

Records

(5) The Commissioner shall maintain copies of all records, reports and other materials received by him under this Act.

Monitoring handling of complaints and inquiries

(6) The Commissioner shall monitor the handling of complaints and inquiries by the Bureau and the chief of police.

Annual report

(7) The Commissioner shall report annually on the affairs of his office to the Solicitor General and to the Attorney General and the Attorney General shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Summary of decisions

(8) The Commissioner shall cause to be prepared and published periodically a summary of the decisions, and the reasons therefor, made by the boards of inquiry under this Act.

(9) The accounts of the Commissioner shall be audited annually by the Provincial Auditor. Audit

4.—(1) The Lieutenant Governor in Council shall appoint a panel of persons to act as members of boards of inquiry. Panel for boards of inquiry

(2) One-third of the members of the panel shall be persons who are members of the Law Society of Upper Canada who are jointly recommended for appointment by the Attorney General and the Solicitor General. Recommendations for appointment

(3) One-third of the members of the panel shall be persons, other than police officers, the appointment of whom the Metropolitan Board of Commissioners of Police and the Metropolitan Toronto Police Association have jointly recommended in writing to the Attorney General. Idem

(4) One-third of the members of the panel shall be persons recommended by the council of The Municipality of Metropolitan Toronto to the Attorney General for appointment. Idem

(5) Appointments to the panel shall be for a term of two years and a person who is appointed may be reappointed for a further term or terms not exceeding, in each instance, two years. Term

(6) Recommendations made under subsections (3) and (4) shall be submitted to the Attorney General within such time as he may specify. Idem

(7) Notwithstanding subsection 34 (1), the members of the Police Complaints Board, except the chairman, constituted under the *Metropolitan Police Force Complaints Project Act, 1981* shall act as members of boards of inquiry under this Act until such time as the panel referred to in subsection (1) is appointed and members of the Police Complaints Board appointed from the groups set out in subsections 4 (4), (5) and (6), respectively, of the *Metropolitan Police Force Complaints Project Act, 1981* shall be deemed to be recommended under subsections (2), (3) and (4) of this section, respectively. Members of Police Complaints Board under 1981, c. 43 1981, c. 43

(8) The members of the panel shall be paid such remuneration and expenses as may be fixed by the Lieutenant Governor in Council. Remuneration

5.—(1) The chief of police shall establish and maintain for the purposes of this Act a branch of the Metropolitan Police Force to be known as the Public Complaints Investigation Bureau. Establishment of Bureau

Staff

(2) The chief of police shall ensure that the Bureau is supplied with sufficient staff to effectively receive, record and investigate complaints and inquiries.

Where complaints may be made

6.—(1) A member of the public may make a complaint at the Bureau, at any police station in Metropolitan Toronto or at the office of the Commissioner.

Information

(2) The person who receives the complaint shall record the complaint in the prescribed form and shall furnish the complainant with a prescribed statement that sets out the procedures that will be followed respecting the complaint and the rights under this Act of the complainant, together with a copy of the complaint.

Preliminary investigation

(3) Where a complaint is recorded at a police station, the officer in charge of the station shall take all reasonable steps to ensure that all available evidence is gathered that may be lost if not secured immediately and, if appropriate, ensure that such other preliminary investigation as may be warranted is conducted and that a report concerning such preliminary investigation is prepared and forwarded to the person in charge of the Bureau.

Copy of complaint

(4) Where a complaint is recorded at a police station, the person recording the complaint shall forward forthwith to the Bureau and to the Commissioner a copy of the complaint.

Idem

(5) Where a complaint is recorded at the Bureau, the person recording the complaint shall forward forthwith to the Commissioner a copy of the complaint.

Idem

(6) Where a complaint is recorded at the office of the Commissioner, the person recording the complaint shall forward forthwith to the Bureau a copy of the complaint.

Notification by Commissioner

7.—(1) Where a complaint is made by a person not directly affected by the incident, the Commissioner, as soon as practicable after receiving the complaint, shall in writing notify the person directly affected by the incident that a complaint has been made under this Act and advise him that he is entitled to be the complainant.

Where no action to be taken

(2) Where the person directly affected by the incident is not known or can not be found or does not, within thirty days of the date of the notification, file with the Commissioner a written request to be the complainant in the matter, no further action shall be taken under this Act in respect of such complaint.

(3) Nothing in subsection (2) shall prevent the chief of police from taking any disciplinary action that he could otherwise take under the *Police Act* and the regulations thereunder, and the chief of police shall notify the Commissioner if any such action is taken and the result thereof and either the chief of police or the Commissioner shall then notify the complainant. Action under R.S.O. 1980, c. 381

(4) For the purposes of this section a person who observes an incident shall be deemed to be a person directly affected by the incident. Person deemed directly affected

8.—(1) Upon receipt of a complaint, the person in charge of the Bureau may, with the consent of the Commissioner, reclassify any of the separate allegations within the complaint as an inquiry, and the complainant and the subject officer shall be notified forthwith. Reclassification by Bureau chief

(2) The person in charge of the Bureau shall determine whether any investigation is required in respect of an inquiry, and if it is, cause such investigation to be conducted, respond to the complainant in writing within sixty days of receipt of the complaint and forward a copy of the response to the Commissioner forthwith. Response

(3) The person in charge of the Bureau may, during the course of an investigation under subsection (2), reclassify any of the separate allegations within the inquiry as a complaint, and the complainant, the subject officer and the Commissioner shall be notified forthwith. Reclassification during investigation

(4) No reference shall be made in the personal record of any police officer to an inquiry resolved in accordance with subsection (2). Personal record

9. The person in charge of the Bureau shall inform forthwith the subject officer of the substance of the complaint in the prescribed form, unless, in the opinion of such person, to do so might adversely affect any investigation of the complaint. Police officer to be informed

10.—(1) The person in charge of the Bureau shall consider whether a complaint can be resolved informally and, with the consent of the complainant and the subject officer, may attempt to so resolve the complaint. Informal resolution

(2) Where a complaint is resolved informally, a record shall be made of the manner in which the complaint was resolved and the complainant and the subject officer shall each signify in writing his agreement to such resolution. Record of informal resolution

Copy of record to be furnished

(3) A copy of a record made under subsection (2) shall be furnished forthwith to the Commissioner, the complainant and the subject officer.

Informal resolution

(4) A complaint may be resolved informally by the person in charge of the Bureau in accordance with the procedures in this section at any time during the course of or after an investigation.

Where complaint to continue

(5) Notwithstanding subsection (1), where the Commissioner is of the opinion that the informal resolution was obtained as a result of a misunderstanding, a threat or other improper pressure, the Commissioner may notify the person in charge of the Bureau that the complaint shall continue and give reasons therefor in writing to the person in charge of the Bureau, the subject officer, the complainant and the chief of police and in such event the complaint shall continue to be treated as a complaint under this Act.

Review of decision

R.S.O. 1980, c. 224

(6) The decision of the Commissioner under subsection (5) shall be deemed to be made in the exercise of a statutory power of decision within the meaning of the *Judicial Review Procedure Act*.

Informal resolution by Commissioner

(7) A complaint may be resolved informally by the Commissioner in accordance with the procedures in this section at any time during the course of an investigation or review by the Commissioner.

No reference in personal record of subject officer

(8) No reference shall be made in the personal record of a subject officer to a complaint resolved under this section, except where misconduct has been admitted by the subject officer.

Investigation

11.—(1) Where a complaint is not resolved informally, the person in charge of the Bureau shall cause an investigation to be made forthwith into the complaint in accordance with prescribed procedures.

Interim reports

(2) The person in charge of the Bureau shall forward to the Commissioner, the complainant and the subject officer an interim report in the prescribed form providing a summary of the investigation to date not later than thirty days after receipt of the complaint and shall forward further interim reports to the same persons on a monthly basis during the course of the investigation.

Exception

(3) Notwithstanding subsection (2), the person in charge of the Bureau may decide not to make a report to the complainant or the subject officer where, in his opinion, to do so might

adversely affect the investigation of the complaint or where there are no new matters to report, in which case the person in charge of the Bureau shall forthwith notify the Commissioner of the reasons for his decision.

Final report

(4) Where an investigation has been completed, the person in charge of the Bureau shall cause a final investigation report in the prescribed form to be prepared and shall forward a copy thereof to the Commissioner, the chief of police, the complainant and the subject officer.

Idem

(5) A final investigation report prepared under subsection (4) shall,

(a) contain a summary of the complaint and a description of the alleged misconduct by the subject officer;

(b) contain a summary of the investigation and of information obtained from the complainant, the subject officer and witnesses, if any; and

(c) contain a description and analysis of any physical evidence obtained.

Further investigation at request of Commissioner

(6) The Commissioner may, upon receipt of a final investigation report, request that the chief of police cause further investigation to be made into the complaint and the results of any such investigation shall be forwarded to the Commissioner.

Withdrawal of complaint

12.—(1) All complaints and inquiries shall be dealt with in accordance with this Act, and shall not be withdrawn except in accordance with this Act.

Notice

(2) A complainant may withdraw a complaint at any time by giving notice, in the prescribed form, to the person in charge of the Bureau, who shall forward a copy thereof to the Commissioner and the subject officer.

Where to continue as complaint

(3) Notwithstanding subsection (2), where the Commissioner is of the opinion that the complainant withdrew the complaint as a result of a misunderstanding, a threat or other improper pressure, the Commissioner may notify the person in charge of the Bureau that the complaint shall continue, and give reasons therefor, in writing, to the person in charge of the Bureau, the subject officer, the complainant and the chief of police and in such event the complaint shall continue to be treated as a complaint under this Act.

Review of decision

R.S.O. 1980, c. 224

(4) The decision of the Commissioner to cause the complaint to continue shall be deemed to be made in the exercise of a statutory power within the meaning of the *Judicial Review Procedure Act*.

Disciplinary action under R.S.O. 1980, c. 381

(5) Notwithstanding subsection (2), where a complaint has been withdrawn by a complainant, such withdrawal shall not prevent the chief of police from taking any disciplinary action that he could otherwise take under the *Police Act* and the regulations thereunder and the chief of police shall notify the Commissioner if any such action is taken and the result thereof.

Where complaint not to be dealt with

13.—(1) Where it appears to the chief of police that,

(a) a complaint is frivolous, vexatious or made in bad faith;

(b) a complaint is not within the jurisdiction of this Act; or

(c) a complaint is one that could or should be more appropriately dealt with under an Act other than this Act,

the chief of police may decide that the complaint or any part thereof not be dealt with under this Act.

Notice

(2) The chief of police shall notify the Commissioner, the complainant and the subject officer of any decision made under subsection (1).

Disciplinary action under R.S.O. 1980, c. 381

(3) Notwithstanding subsection (1), the decision of the chief of police shall not prevent the chief from taking any disciplinary action that he could otherwise take under the *Police Act* and the regulations thereunder.

Review by Commissioner

(4) The complainant may, within thirty days of receiving notification under subsection (2), request the Commissioner to review the decision made under subsection (1), in which case all the provisions of this Act relating to a review by the Commissioner apply with necessary modifications.

Extension of time

(5) Notwithstanding subsection (4), where the Commissioner is satisfied that there are reasonable grounds for granting an extension, the Commissioner may extend the time for requesting a review.

Powers and duties of chief of police

14.—(1) The chief of police shall review a final investigation report and he may order such further investigation as he

considers advisable and may, unless he decides that no action is warranted,

(a) cause an information alleging the commission of an offence by the subject officer to be laid and refer the matter to the Crown attorney for prosecution;

(b) order that one or more of the allegations contained in the complaint be heard by a board of inquiry;

(c) cause disciplinary proceedings to be taken under the *Police Act* and the regulations thereunder; and

(d) after giving the subject officer ten working days to reply, either orally or in writing, to the complaint, counsel or caution the subject officer regarding his conduct,

but where the chief of police takes action under clause (b), (c) or (d), he shall not take action under any other of those clauses.

Hearing not stayed

(2) Where the chief of police causes an information to be laid under clause (1) (a), such action shall not stay any disciplinary proceedings under the *Police Act* or any hearing by a board of inquiry unless the presiding officer or the board, as the case may be, is of the opinion that the hearing should be stayed until the court proceedings have been concluded.

R.S.O. 1980, c. 381

Review by Commissioner

(3) A subject officer may within thirty days of the taking of any action under clause (1) (d), request the Commissioner to review the action, in which case all the provisions of this Act relating to a review by the Commissioner shall apply with necessary modifications.

Extension of time

(4) Notwithstanding subsection (3), where the Commissioner is satisfied that there are reasonable grounds for granting an extension, the Commissioner may extend the time for requesting a review.

Expunging from personal record

(5) Any action taken under clause (1) (d) shall be expunged from the personal record of the subject officer upon the expiration of a period of two years during which no other disciplinary action has been noted on the record.

Notice of action taken

(6) The chief of police shall give forthwith written notice of any action taken by him under subsection (1) or of his decision that no action is warranted to the Commissioner, the complainant and the subject officer and, where his decision is that no action is warranted or he has taken action under

clause (1) (d), the chief of police shall give his reasons therefor.

Designation by chief of police

(7) The chief of police may designate any police officer of the rank of inspector or higher to exercise any of his powers and perform any of his duties under this Act and the police officer so designated has the powers and duties set out in the designation and where any power is conditional on the opinion of the chief of police, the requisite opinion shall be that of the police officer so designated.

Application of s. 23 R.S.O. 1980, c. 381

15.—(1) Where the chief of police has caused disciplinary proceedings to be taken under the *Police Act* and the regulations thereunder, subsections 23 (6), (8), (13), (14) and (15) of this Act apply with necessary modifications to a hearing held in connection with such proceedings.

Notice of decision

(2) The chief of police or, if he is not the person who holds a hearing referred to in subsection (1), the person who holds the hearing shall give forthwith written notice of his decision together with his reasons therefor to the Commissioner, the complainant and the subject officer.

Police officer may appeal

R.S.O. 1980, c. 381

16. Where a hearing referred to in subsection 15 (1) has been held and a penalty has been imposed upon a subject officer, the officer may appeal in accordance with the provisions of this Act and not as provided in the *Police Act* and the regulations thereunder.

Notice of appeal

17.—(1) A notice of appeal under section 16 shall be served on the Commissioner and the chief of police within fifteen days after the subject officer receives notice of the penalty imposed, and the Commissioner shall notify the complainant forthwith.

Extension of time

(2) Where a notice of appeal is filed after the time set out in subsection (1), the Commissioner shall assign, in accordance with the regulations, the matter to a member of the panel appointed on a recommendation made under subsection 4 (2) who may, if satisfied that there are reasonable grounds for doing so, extend the time for appealing and give such directions as he considers proper consequent upon the extension.

Commissioner may investigate

18.—(1) Notwithstanding any other provision of this Act, the Commissioner may investigate the allegations in the complaint,

(a) at any time after he receives the first interim report under subsection 11 (2) or the thirty-day period mentioned therein has expired;

(b) upon the request of the chief of police; or

(c) where he has reasonable grounds to believe that there has been undue delay or other exceptional circumstances in the conduct of an investigation under section 11.

Review of decision

(2) A decision to take action under clause (1) (c) shall be deemed to be made in the exercise of a statutory power within the meaning of the *Judicial Review Procedure Act*.

R.S.O. 1980, c. 224

Notice to chief of police

(3) The Commissioner shall forthwith notify the chief of police in writing of his intention to conduct an investigation under clause (1) (a) or (c) and shall give his reasons therefor in writing.

Idem

(4) Where the Commissioner conducts an investigation under subsection (1), he shall forward to the complainant, the subject officer, the person in charge of the Bureau and the chief of police an interim report in the prescribed form providing a summary of the investigation to date, not later than thirty days after he has given notification of his intention to conduct an investigation, and shall forward further interim reports to the same persons on a monthly basis during the course of the investigation, and upon the completion of his investigation he shall prepare a final investigation report and forward a copy thereof to the same persons.

Notice of action taken

(5) The chief of police, upon receipt of a final investigation report under subsection (4), shall review the report, together with any final investigation report prepared under subsection 11 (4), and shall make a decision in accordance with section 14 and shall notify all persons in accordance with subsection 14 (6).

Delegation

(6) The Commissioner may designate any person appointed under subsection 3 (3) to exercise any of his powers and perform any of his duties under this Act, and the person so designated has the powers and the duties set out in the designation, and where any power is conditional upon the opinion of the Commissioner, the requisite opinion shall be that of the designated person.

Request for review

19.—(1) Where a complainant is dissatisfied with the decision made on a disciplinary proceeding arising out of his complaint that is not a decision of a board of inquiry or with

action taken by the chief of police under clause 14 (1) (d) or with a decision of the chief of police that no action is warranted, he may within thirty days of receipt of notification under subsection 14 (6) or 15 (2) request the Commissioner to review the matter.

Extension of time

(2) Notwithstanding subsection (1), where the Commissioner is satisfied that there are reasonable grounds for granting an extension the Commissioner may extend the time for requesting a review.

Hearing may be ordered

(3) Where the Commissioner receives a request under subsection (1), he shall review the matter and may, after such review, order a hearing by a board of inquiry if he believes that, in the public interest, such a hearing is required or he may decide to take no further action.

Notice

(4) The Commissioner shall give forthwith written notice to the chief of police, the complainant and the subject officer of his decision under subsection (3) and, where his decision is to take no further action, shall give his reasons therefor.

Where appeal under s. 16

(5) Where a subject officer has appealed under section 16 a hearing ordered under subsection (3) shall be heard together with that appeal.

Powers on investigation or review

20.—(1) For the purposes of an investigation under section 18 or a review under section 19, the Commissioner may, where he has reasonable grounds to believe that it is necessary to do so in furtherance of the investigation or review, after informing the chief of police, enter a police station and examine therein books, papers, documents and things related to the complaint.

Powers on inquiry

R.S.O. 1980, c. 411

(2) For the purposes of an investigation or review, the Commissioner has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such investigation or review as if it were an inquiry under that Act.

Appointment of person to make investigation or review

(3) The Commissioner may, in writing, appoint a person to make any investigation or review he is authorized to make and the person so appointed has all the powers and duties of the Commissioner relating to the investigation and the review.

Identification

(4) The Commissioner shall issue a certificate of appointment to any person appointed to make an investigation or review under subsection (3), which certificate shall contain a photograph of the person appointed, and the person appointed, while exercising any powers or performing any duties in

respect of the investigation or review, shall produce the certificate of appointment upon request.

Report

(5) The person appointed to make an investigation or review shall report the results of his investigation or review to the Commissioner.

Obstruction

(6) No person shall obstruct the Commissioner or a person appointed by him to make an investigation or review or withhold from him or conceal or destroy any books, papers, documents or things related to the investigation or review.

Search warrant

(7) Where a justice of the peace is satisfied upon an *ex parte* application by the Commissioner or by a person appointed by him under subsection (3) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to an investigation or review, the justice of the peace may issue an order authorizing the person making the application, together with such persons as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between 6 a.m. and 9 p.m., standard time, unless the justice of the peace, by the order, otherwise authorizes.

Removal of books, etc.

(8) The Commissioner may, upon giving a receipt therefor, remove any books, papers, documents or things examined under subsection (1) or (7) relating to the investigation or review and shall with reasonable dispatch cause to be made copies of such books, papers or documents and return them promptly thereafter to the person from whom they were removed.

Admissibility of copies

(9) Any copy made as provided in subsection (8) and certified to be a true copy by the Commissioner is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment of experts

(10) The Commissioner may appoint an expert to examine books, papers, documents or things examined under subsection (1) or (7).

Report

21.—(1) Where, after making a review, the Commissioner is of the opinion that a police practice or procedure should be altered, he shall report his opinion and recommendations to the Metropolitan Board of Commissioners of Police, the chief of police and the Metropolitan Toronto Police Association.

Idem

(2) Where, as a result of any matter dealt with under this Act, the Commissioner is of the opinion that a practice or procedure or law affecting the resolution or prevention of public complaints should be altered or implemented, he shall report his opinion and recommendations to the Metropolitan Board of Commissioners of Police, the chief of police and the Metropolitan Toronto Police Association.

Idem

(3) Within ninety days of receiving a report under subsection (1) or (2), the Metropolitan Board of Commissioners of Police shall forward such report along with their comments and any comments submitted to them by the chief of police or the Metropolitan Toronto Police Association, to the Attorney General, the Solicitor General and the Commissioner.

Where board of inquiry to be constituted

22.—(1) Where,

(a) the chief of police has ordered that a matter be heard by a board of inquiry;

(b) a police officer has appealed under section 16; or

(c) the Commissioner has, under subsection 19 (3), ordered a hearing,

a board of inquiry shall be constituted in accordance with this section.

Assignment to board of inquiry

(2) Where, in the opinion of the Commissioner, the hearing involves misconduct by a subject officer that is of a minor nature, he shall assign, in accordance with the regulations, a member of the panel who was appointed on a recommendation made under subsection 4 (2) to sit alone to conduct the hearing.

Idem

(3) Where, in the opinion of the Commissioner, the hearing involves misconduct by a subject officer that is of a serious nature, he shall assign, in accordance with the regulations, three members of the panel to conduct the hearing.

Constitution of board R.S.O. 1980, c. 381

(4) Where, following a disciplinary hearing under the *Police Act* a board of inquiry is to be constituted, the board shall be constituted in accordance with subsection (3).

Who shall be on board

(5) The chairman of a board of inquiry constituted under subsection (3) or (4) shall be a person appointed to the panel on a recommendation made under subsection 4 (2), one member shall be a person appointed to the panel on a recommendation made under subsection 4 (3) and one member shall be

a person appointed to the panel on a recommendation made under subsection 4 (4).

Statement of alleged misconduct

(6) The chief of police, where he has ordered a hearing, and the Commissioner, where he has ordered a hearing, shall provide the parties with a concise statement of the allegations of misconduct to be heard by the board.

Record

(7) Where, following a hearing referred to in subsection 15 (1), a board of inquiry has been constituted, the chief of police shall forward the record of that hearing, including the transcript, all documents, evidence and exhibits considered at that hearing, to the board.

Costs of record

(8) Where the Commissioner has ordered the hearing he shall pay the costs of preparing the record.

When hearing *de novo* and when on record

23.—(1) The hearing before the board of inquiry shall be *de novo*, except where the chief of police has prepared a record under subsection 22 (7), in which case the hearing shall be on the record but the board may, in special circumstances, hear such evidence as the board considers advisable.

Parties

(2) The parties to a hearing shall include,

(a) the chief of police, in respect of appeals instituted by the subject officer under section 16; and

(b) the Attorney General, except where an appeal has been instituted by the subject officer under section 16.

Adding parties

(3) A party may be added by the board at any stage of the hearing upon such terms as the board considers proper.

Attorney General to have carriage

(4) The Attorney General, where he is a party to the hearing, has carriage of the matter.

Notice of hearing

(5) The board shall appoint a time for a hearing and give written notice thereof to the parties.

Opportunity to examine evidence

(6) The subject officer and the complainant shall be afforded an opportunity to examine before the hearing any physical or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Board not to communicate with party

(7) The board conducting a hearing shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representa-

tive except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Oral evidence

(8) The oral evidence given at the hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Adjournment for view

(9) The board may, where it appears to be in the interests of justice, direct that the board and the parties and their counsel or representatives shall have a view of any place or thing, and may adjourn the hearing for that purpose.

Only members at hearing to participate in decision

(10) No member of the board shall participate in a decision following the hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision shall be given unless all members so present participate in the decision.

Decision

(11) A decision of a member of a board of inquiry sitting alone and a decision of a majority of the members of a board comprising three members is a decision of the board.

Release of documents

(12) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him within a reasonable time after the matter in issue has been finally determined.

Police officer not required to give evidence
R.S.O. 1980, c. 484

(13) Notwithstanding section 12 of the *Statutory Powers Procedure Act*, the subject officer shall not be required to give evidence at the hearing nor shall any statement or answer required to be given by him in respect of the complaint made against him be admitted in evidence at the hearing, except with his consent.

Statement or admission not admissible in evidence

(14) Where the person in charge of the Bureau or the Commissioner attempts to resolve a complaint informally and the complaint is not so resolved, any statement or admission made during such attempt by the subject officer or by the complainant shall not be admitted in evidence at the hearing, except with the consent of the subject officer or the complainant, as the case may be.

Proof of misconduct

(15) No finding of misconduct by the subject officer shall be made unless the misconduct is proved beyond a reasonable doubt.

Imposition of penalty

(16) Where a board constituted under subsection 22 (2) finds the subject officer guilty of misconduct, it may,

(a) direct that days off not exceeding five days be forfeited;

(b) direct that pay not exceeding three days pay be forfeited; or

(c) reprimand the police officer.

Idem

(17) Where a board constituted under subsection 22 (3) finds the subject officer guilty of misconduct, it may,

(a) dismiss the police officer from the Metropolitan Police Force, whereupon the officer is thereby dismissed;

(b) direct that the police officer resign from the Metropolitan Police Force and, in default of resigning within seven days, be summarily dismissed;

(c) reduce the police officer in rank or gradation of rank and in pay in accordance with the rank to which he is reduced;

(d) direct that days off not exceeding twenty days be forfeited;

(e) direct that pay not exceeding five days pay be forfeited; or

(f) reprimand the police officer, which reprimand may be in lieu of or in addition to any other penalty imposed.

Notice of decision

(18) The board shall give forthwith written notice of its decision and the reasons therefor to the chief of police, the complainant, the subject officer, the Commissioner, the Solicitor General and the Attorney General.

No reference to hearing

(19) No reference to a hearing conducted by the board shall be made in the personal record of the subject officer unless the board has made a finding of misconduct.

Costs may be paid

(20) The Metropolitan Board of Commissioners of Police may, in such cases and to such extent as it thinks fit, pay any legal costs incurred by a subject officer in respect of a hearing conducted by a board and an appeal under section 24.

Appeal

24.—(1) A party to a hearing by a board may appeal within thirty days of the decision of the board to the Divisional Court.

Solicitor General and Attorney General entitled to be heard

(2) The Solicitor General, and the Attorney General where he is not entitled to appeal under subsection (1), are entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

What may be appealed

(3) An appeal under this section may be made on a question that is not a question of fact alone or from a penalty imposed under subsection 23 (17), or on both the question and the penalty.

How notice, etc., may be served

25. Any notice, report or other material required to be given, furnished, forwarded or otherwise served under this Act is sufficiently served if delivered personally or sent by prepaid first class mail addressed to the person on whom service is required to be made at his last known or usual place of abode.

Matters confidential

26.—(1) Every person engaged in the administration of this Act and the regulations, including a member of the Metropolitan Police Force, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties and shall not communicate any such matter to any other person except,

R.S.O. 1980, c. 381

(a) as may be required in connection with the administration of this Act and the regulations or the *Police Act* and the regulations thereunder;

(b) as may be required for the due enforcement of the law;

(c) to his counsel; or

(d) with the consent of the person to whom the matter relates.

Testimony

(2) No person to whom subsection (1) applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, except at a hearing under this Act or in a disciplinary proceeding under the *Police Act* and the regulations thereunder.

What is inadmissible in evidence

(3) No record, report, writing or document arising out of a complaint is admissible or may be used in evidence in any civil suit or proceeding, except at a hearing under this Act or in a

disciplinary proceeding under the *Police Act* and the regulations thereunder.

Idem

(4) No oral statement, answer or admission referred to in subsections 23 (13) and (14) is admissible or may be used in evidence in any civil suit or proceeding, except at a hearing under this Act or in a disciplinary proceeding under the *Police Act* and the regulations thereunder.

R.S.O. 1980, c. 381

Application of 1984, c. 11, s. 146

27. Section 146 of the *Courts of Justice Act, 1984* (photography at court hearing) applies with necessary modifications to a board hearing.

R.S.O. 1980, c. 325 does not apply

28. The *Ombudsman Act* does not apply to anything done under this Act.

Agreement for contributions

29. The Attorney General, with the approval of the Lieutenant Governor in Council, and The Municipality of Metropolitan Toronto may enter into an agreement to provide for the payment by the municipality to the Treasurer of Ontario on such terms and conditions as may be agreed upon of contributions in respect of the moneys required for the purposes of this Act.

Offence

30. Any person who contravenes subsection 20 (6), subsection 26 (1) or section 27 is guilty of an offence and on conviction is liable to a fine of not more than $2,000.

Regulations

31. The Lieutenant Governor in Council may make regulations,

(a) respecting the reporting and publication of decisions of boards of inquiry;

(b) assigning duties to the Commissioner;

(c) establishing a system that provides for the assignment of panel members on a rotational basis;

(d) prescribing forms and providing for their use; and

(e) prescribing any matter that by this Act is required to be or is referred to as prescribed.

Advisory committee

32.—(1) There shall be a committee composed of,

(a) the Deputy Attorney General;

(b) the Deputy Solicitor General;

(c) the chairman of the Ontario Police Commission;

(d) the Commissioner;

(e) the Assistant Deputy Attorney General-Criminal Law; and

(f) such other persons as may be jointly appointed by the Attorney General and the Solicitor General.

Duties

(2) It is the duty of the committee,

(a) to maintain under review the practice and procedures under this Act;

(b) to receive and consider matters brought to the attention of the committee by any person having an interest in the operation of the system for handling complaints under this Act;

(c) to make such recommendations as the committee considers appropriate for the improvement of the system for handling complaints; and

(d) to perform such other duties or functions as the committee may be requested to perform by the Attorney General or the Solicitor General.

Recommendations

(3) Any recommendations made under clause (2) (c) shall be forwarded by the committee to both the Attorney General and the Solicitor General.

Recommendation of Attorney General

33. On or before the day that is three years after the day this Act comes into force, the Attorney General shall, after having reviewed the operation of the panel, the Board and the advisory committee referred to in sections 4 and 32 respectively, recommend to the Lieutenant Governor in Council whether those bodies should continue in existence or be terminated.

Repeal

34.—(1) The *Metropolitan Police Force Complaints Project Act, 1981*, being chapter 43, is repealed.

Proceedings continued under 1981, c. 43

(2) Notwithstanding subsection (1), the *Metropolitan Police Force Complaints Project Act, 1981* shall continue in force and apply to a complaint that is made before the day this Act comes into force, for the purpose of continuing the proceedings in respect of that complaint, but the proceedings at any Board hearing commenced after the day this Act comes into force shall be in accordance with the provisions of this Act.

35. This Act comes into force on the 21st day of December, 1984. Commencement

36. The short title of this Act is the *Metropolitan Toronto Police Force Complaints Act, 1984*. Short title

APPENDIX B

INTERNATIONAL CONFERENCE ON CIVILIAN OVERSIGHT OF LAW ENFORCEMENT
Park Plaza Hotel, Plaza Room
Toronto - Ontario

CONFERENCE AGENDA

Tuesday, October 1st

7:30 to 11:00 p.m.	**Registration & Cocktail Reception hosted by the Public Complaints Commissioner**

Wednesday, October 2nd

8:30 a.m.	**Late Registration**
9:00 a.m.	**Welcome & Opening Remarks** - Honourable Ian Scott, Q.C. Attorney General, Province of Ontario - Chairman Dennis Flynn, Municipality of Metropolitan Toronto - His Worship Mayor Arthur Eggleton, City of Toronto
9:20 a.m.	**Opening Address** - Paul Godfrey, former Chairman, Municipality of Metropolitan Toronto Introduced by: His Honour Judge Phil Givens, former Chairman, Metropolitan Toronto Board of Commissioners of Police
9:30 a.m.	**Keynote Address - Oversight of Law Enforcement: An Australian Model** - George Masterman, Q.C. Ombudsman, New South Wales, Australia Introduced by: Dr. Daniel G. Hill Ombudsman/Ontario

Wednesday, October 2nd (Cont'd)

10:00 a.m. **Variation on a Theme: Different Forms of Civilian Oversight**

- A panel of persons, each of whom administers a different kind of civilian oversight agency

Moderator: Eileen Luna, Director
Berkeley Review Commission

Panelists

Manitoba, Canada, Law Enforcement Review Agency
- Hans Schneider, Commissioner

Miami, Office of Professional Compliance
- Joseph A. Ingraham, Director

Northern Ireland, Police Complaints Board
- Brian G. McClelland, Secretary

Ontario, Canada, Ontario Police Commission
- John MacBeth, Q.C., Vice-Chairman, former Solicitor General, Province of Ontario

Western Australia, Parliamentary Commissioner for Administrative Investigations
- Eric G. Freeman, Ombudsman

Washington, D.C., Civilian Complaint Review Board
- Lucy Edwards, Executive Director

11:15 a.m. **Coffee Break**

11:30 a.m. **Panel Continues**

Wednesday, October 2nd (Cont'd)

12:30 p.m. **Lunch - hosted by the Ministry of the Solicitor General, Province of Ontario**

Introductory Remarks:
Honourable Ken Keyes,
Solicitor General, Province of Ontario

Guest Speaker:
Dr. Jacob Rang,
Ombudsman, The Netherlands

2:00 p.m. **Workshop Discussions**

Common Issues Affecting Civilian Oversight: Nuts & Bolts

- Conference participants may choose from the following workshop topics:

French Room

1. Obtaining Information - investigative techniques

Facilitators:
Staff Inspector John Ball,
Metropolitan Toronto Police Force
Edward Singleton, Director of Investigations, Office of the Public Complaints Commissioner

Reception Room

2. Protecting Information - witnesses' and police officers' rights

Facilitator:
Leonard Benefico, Supervisor of Investigations, Office of Professional Standards, Chicago

University Room

3. Police-Community Relations - the role of the complaints process

Facilitators:
Julio Fanjul, Compliance Representative, Office of Professional Compliance, Miami
Harold Levy, Special Advisor, Law Reform Commission of Canada

Wednesday, October 2nd (Cont'd)

Rosewood Room	**4. Measuring Success - statistics and research** Facilitators: Dr. Ann Cavoukian, former Director of Research, Ministry of the Attorney General, Province of Ontario Susan James, Researcher, Office of the Public Complaints Commissioner, Toronto
Dominion Room	**5. Independence - how do you know if a complaints agency is independent? How significant is independence?** Facilitator: Werner Petterson, Conciliator, United States Department of Justice, Community Relations Service
4:15 p.m.	**Buses leave for tour of Toronto and arrival at new City Hall**
5:00 p.m.	**Reception hosted by His Worship Mayor Eggleton**
6:15 p.m.	**Buses leave to continue tour of Toronto**
7:15 p.m.	**Buses return to Park Plaza Hotel**
9:30 p.m. to midnight	**Hospitality Suite Open** **Park Plaza Hotel, Reception Room**

Thursday, October 3rd

9:00 a.m. **Introductory Remarks**

9:15 a.m. **Keynote Address - Police Community Relations**

- Clarence Dickson, Chief of Police, Miami, Florida

Introduced by: Jack Marks, Chief of Police, Municipality of Metropolitan Toronto

9:45 a.m. **Panel Discussion: Standards of Policing**

What the community wants vs. what the law allows.

Should law enforcement officers be condoned if they use extra-legal means to achieve community objectives? (e.g. street gangs, prostitution, drug traffic)

Moderator: Wesley Pomeroy, Director, Metro Dade Independent Review Panel, former Chief of Police, Berkeley, California

Panelists

- Dr. Egon Bittner, Brandeis University Waltham, Massachusetts

- Ramsey Clark, Attorney, New York City (former United States Attorney General)

- William Geller, Attorney, American Bar Foundation, Chicago

- Alan Grant, Professor of Law, Osgoode Hall Law School, Toronto (former Chief Inspector with the London (U.K.) Metropolitan Police)

10:45 a.m. **Coffee Break**

11:00 a.m. **Panel Continues, Open Forum Discussion**

Thursday, October 3rd (Cont'd)

12:00 p.m. **Morning session ends. (Conference participants are on their own for lunch)**

2:00 p.m. **Keynote Address - Oversight of Law Enforcement in Sweden**

- Mr. Justice Ulf Lundvik, former Parliamentary Ombudsmen, Sweden

Introduced by: Clare Westcott, Chairman, Metropolitan Toronto Board of Commissioners of Police

2:30 p.m. **Variation on the Theme** (Cont'd): **Different Forms of Civilian Oversight**

Moderator: Larry Carroll, Citizens' Complaint Board of Oakland, California

Panelists

Chicago, Office of Professional Standards
- David Fogel, Director

Cincinnati, Office of Municipal Investigation
- Cheryl Grant, Chief Investigator

England and Wales, Police Complaints Authority
- Rear Admiral J.A. Bell, C.B. Deputy Chairman (Discipline)

Metro Dade County, Independent Review Panel
- Wesley Pomeroy, Director

Milwaukee, Fire and Police Commission
- Patrice Hargarten, Vice Chairperson

Nova Scotia, Canada, Police Commission
- Admiral Harry Porter, Chairman

Toronto, Office of the Public Complaints Commissioner
- Stephen B. Ginsberg, Director

Thursday, October 3rd (Cont'd)

4:30 p.m.	**Closing Remarks** (evaluation forms) Directions re: election for executives of the International Association for Civilian Oversight of Law Enforcement (IACOLE)
5:00 p.m.	**Buses leave for Legislative Building, Queen's Park, Toronto**
5:30 p.m. to 7:00 p.m.	**Official Photograph on steps of Legislative Building, Queen's Park, Toronto, followed by Reception hosted by Honourable Ian Scott, Q.C. Attorney General**
7:00 p.m.	**Shuttle bus service available to return to Park Plaza Hotel**
9:00 p.m. to midnight	**Hospitality Suite Open Park Plaza Hotel, Reception Room**

Friday, October 4th:

9:00 a.m.	**Business Meeting, IACOLE** (All conference delegates welcome to attend) - Adoption of by-laws - Election for executive positions - Site of 2nd annual conference
2:00 to 4:00 p.m.	**IACOLE Executive Meeting**

INTERNATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

EXECUTIVE COMMITTEE

Chairperson:	Wesley A.C. Pomeroy Independent Review Panel Dade County, Florida
Vice Chairperson:	Clare E. Lewis Public Complaints Commissioner Toronto, Canada
Secretary:	Werner E. Petterson United States Department of Justice Chicago, Illinois
Treasurer:	Cheryl D. Grant Office of Municipal Investigation Cincinnati, Ohio
Members at Large:	Donald Casimere Police Commission Richmond, California
	Andrew Cunningham Police Complaints Authority Adelaide, South Australia
	Lucy R. Edwards Civilian Complaints Review Board Washington, D.C.
	Eric G. Freeman Parliamentary Commissioner for Administrative Investigations Perth, Western Australia
	Dr. Jacob F. Rang National Ombudsman of the Netherlands The Netherlands
	Leonce C. Rhodes Fire & Police Commission Milwaukee, Wisconsin
	André Tremblay Comité d'examen des plaintes Montréal, Quebec